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ABSTRACT

The North Dakota Close Up experience is based upon the belief that students need to have an understanding of the roles of state and local governments, of politics and law, and of the rights and responsibilities of citizens in a democracy if the U.S. experiment in self-government is to survive. This document is designed to help students and teachers plan for and participate in a Close Up experience with the executive branch of the North Dakota government. (DB)

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GUIDE



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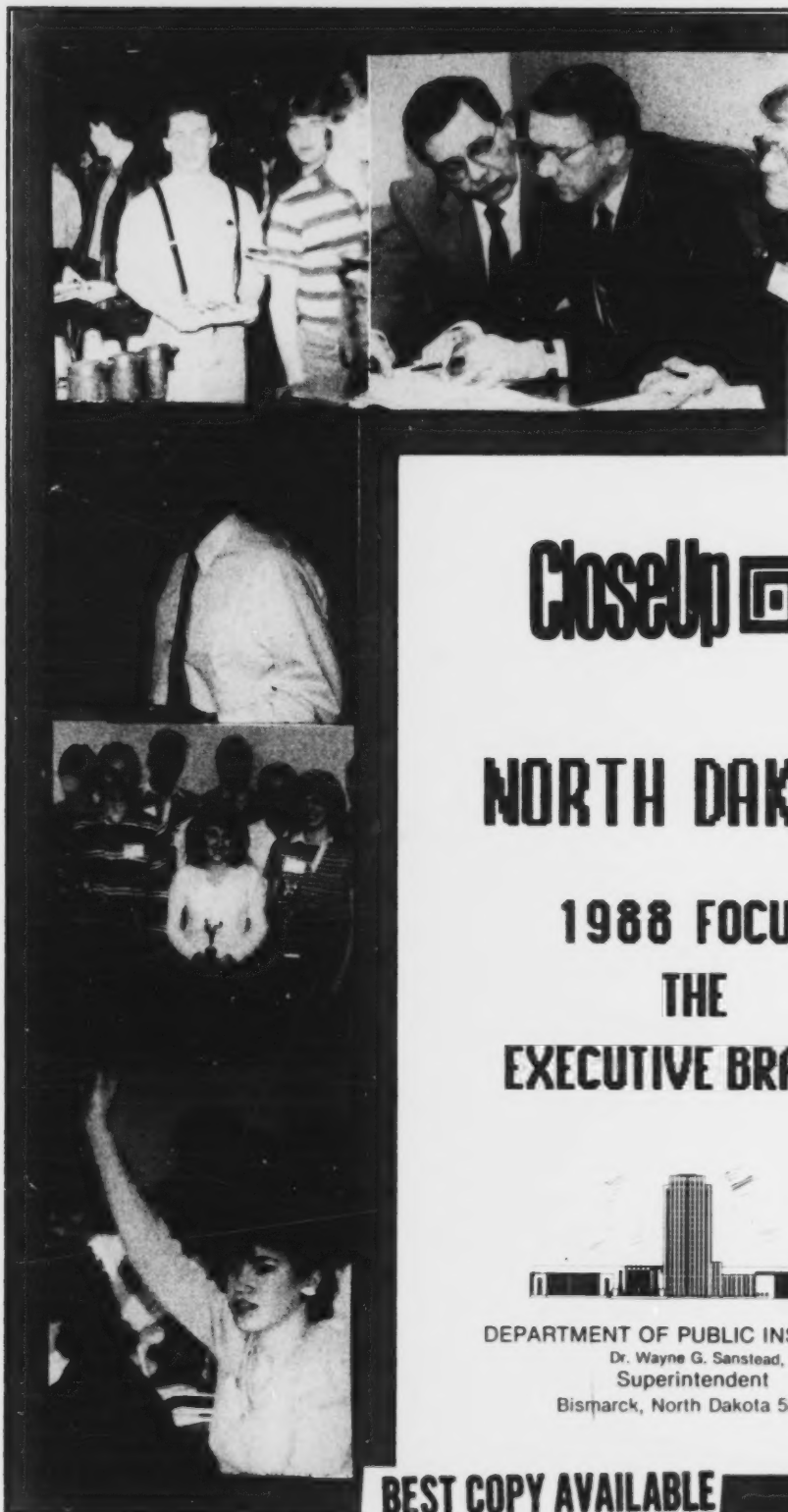
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CloseUp

NORTH DAKOTA

1988 FOCUS: THE EXECUTIVE BRANCH



DEPARTMENT OF PUBLIC INSTRUCTION

Dr. Wayne G. Sanstead,
Superintendent

Bismarck, North Dakota 58505

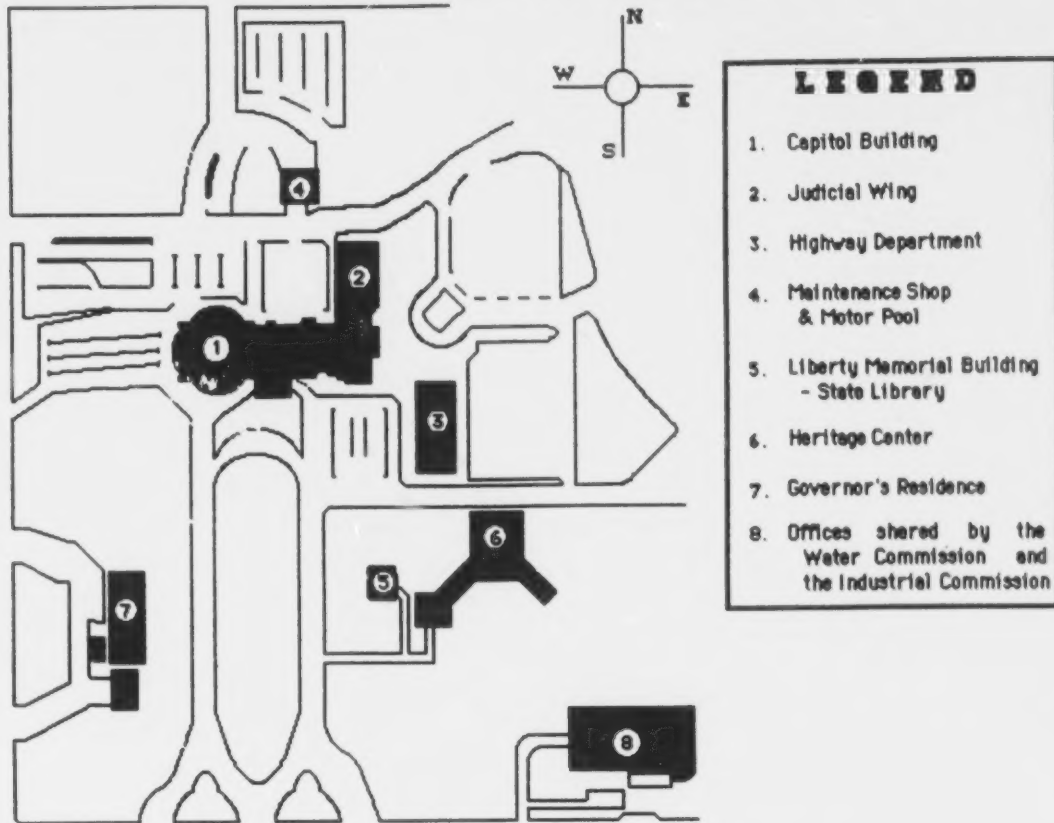
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NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION



GEORGE A. SINNER
GOVERNOR

State of North Dakota

OFFICE OF THE GOVERNOR
BISMARCK, NORTH DAKOTA 58505
(701) 224-2200



January, 1988

Welcome to Close Up!

On behalf of the North Dakota Close Up Advisory Board, I am pleased to extend a warm welcome to students and teachers participating in a Close Up study of North Dakota government.

Your involvement in this unique and exciting program demonstrates your desire to learn more about the democratic process. Close Up is designed to further stimulate your interest and to encourage your participation at all levels of government.

I invite you to use this guide. It will prepare you for the 1988 Close Up experience. The program agenda offers an intense -- yet exciting -- mix of activities, all of which are intended to broaden your perceptions of the bureaucracy and to increase your knowledge of the Executive Branch of North Dakota Government.

Come prepared, participate in the simulations, question the presentors and examine the issues. Close Up will enlighten you and provide you with useful information in the years to come.

I hope to see you as an active participant in February!

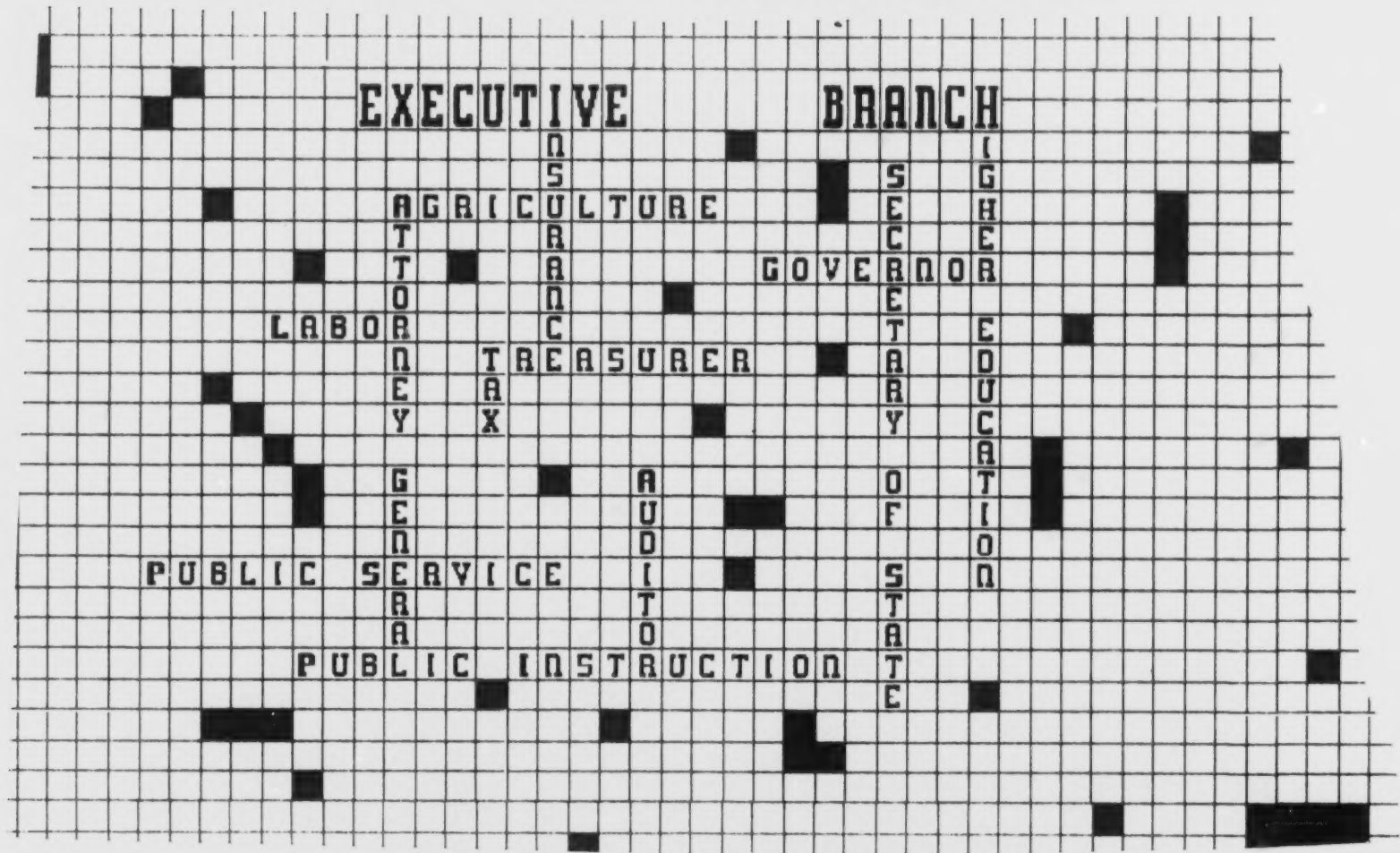
Sincerely,

George A. Sinner
Governor

GAS:CMS:sc

1988

CLOSE UP: NORTH DAKOTA



TAKING THE "PUZZLE" OUT OF GOVERNMENT

Department of Public Instruction

Dr. Wayne G. Sanstead, Superintendent

(701) 224-2260



**NORTH DAKOTA
CENTENNIAL**

January, 1988

Greetings!

For four consecutive years, the Department of Public Instruction has been actively involved in sponsoring and promoting Close Up, a citizenship education program.

North Dakota Close Up is designed to assist young adults to learn about the intricacies of state government. Why? Because education plays a critical role in preparing students to make responsible decisions about their future involvement in the civic affairs of government. And . . . because learning through participation increases each individual's understanding of the democratic process. We firmly believe this will lead to a more informed citizenry and, therefore, a better, more responsive government for North Dakotans.

Take the challenge Close Up offers. It is the opportunity of a lifetime to see how YOU can make a difference.

Sincerely,

Wayne G. Sanstead
Superintendent of Public Instruction

WGS:pkm

ACKNOWLEDGEMENTS

We want to express our appreciation to our community sponsors: The Close Up Foundation, RJR Nabisco, Inc., Northwestern Bell Foundation, North Dakota Farm Bureau, and the Montana-Dakota Utilities Resources Foundation for their financial support. Substantial corporate program grants, in conjunction with the support, encouragement, and enthusiastic response of leaders in education, private industry, and government, have made the 1988 North Dakota Close Up program a reality.

The Close Up teachers, advisory board members, group leaders and program presentors are to be acknowledged for their time, effort, and dedication to ensure that the 1988 state experience is a success.

We are very grateful to everyone who dedicated their time and expertise to author the primary source articles and to the following people who offered their help and skill in the development of this publication:

University of North Dakota Political Science Department, Dr. Theodore Pedeliski

Grand Forks Teacher and Advisory Board member, Gene Martin,
Department of Public Instruction staff members:

Wayne G. Sanstead, Superintendent; Ron Stastney, Assistant Superintendent; Irish Linden, Coordinator; Patricia Herbel, Director of Elementary Education; Peter Gefroh, Director of Secondary Education; Joe Linnertz, Technical Advisor; John Schmaltz, Social Studies Curriculum Advisor; Pam Mathern, Information Processor and Gene Hegney, for his administrative assistance.

Commendation must be given to the school boards and administrators who support the Close Up concept and make it possible for students and teachers to participate in the Close Up program. We are aware of the sacrifices in terms of time and money for curriculum, transportation, substitute teacher arrangements and schedule changes that are necessary for students and teachers to participate successfully in the Close Up experience.

We are grateful to state officials and to personnel from the Office of the Governor, the University of North Dakota and the North Dakota High School Activities Association for their contributions in the development of the 1988 participant guide.

Senator Quentin Burdick, Senator Kent Conrad and Representative Byron Dorgan have provided encouragement through their endorsement and support.

A special thanks to the Close Up Foundation and our national corporate sponsors: the Burlington Northern Foundation, RJR Nabisco, Inc., The Montana-Dakota Utilities Resources Foundation; and Tenneco Oil Exploration and Production. Through their generosity, funding is provided for national fellowships and program development. We are extremely fortunate to work with Kate Moynihan and other staff from the Close Up Foundation, all of whom have offered support, encouragement, and guidance.

Permission to use the Close Up name and logo and to reprint articles from the Perspectives was granted from the Close Up Foundation, Washington, DC.

INTRODUCTION

Many citizens have voiced serious concerns about government in this country--indeed, in this state. Government has been described as "too big," "big brother," and that it "does not respond to need." Many of us separate government from the people it is supposed to serve. In other instances, government is viewed as the enemy. The most devastating perspective of government is that it is ineffective.

These views are sharply in contrast to the intent of our democracy as depicted in school. Supposedly, ours is a government "of, by, and for the people." Our nation is glorified as the finest "experiment in democracy." Many attempts are made to spread this system to other countries.

What has happened? Has our system failed? Why is there such disenchantment? What can be done?

The Close Up Foundation believes that many citizens have not chosen to involve themselves. The government is still operating and is staffed by other citizens. The Congress continues to be elected by constituents. The Executive Branch attempts to respond to the moods and trends of views and issues.

Maybe, just maybe, our citizens have not chosen to involve themselves. Perhaps we don't know how. We might lack the knowledge of how government works. Some may have concluded that involvement doesn't make any difference.

Is it worth our efforts to try even more? Your citizenship will soon be fully achieved. Does this mean that achieving the right to vote is the fullest meaning of citizenship? Our State Advisory Board believes more must be done. Active and continued involvement in government at all levels--federal, state and local--is what this booklet is all about.

Use this resource and others with the goal of learning about and seeking involvement in government. Whether that involvement focuses upon Washington, DC, Bismarck, or your local community, assess what a difference your commitment will make! Ours is a government of people, not of "its" or "things." Assume your full right and responsibility. Make a difference!!

Ron Stastney, Assistant Superintendent
and Close Up Liaison
Department of Public Instruction

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NORTH DAKOTA STATE CLOSE UP: AN OVERVIEW

The North Dakota CLOSE UP Experience is modeled after the National CLOSE UP Program, which is held annually in Washington, DC. There, students from 50 states gather to learn how they can become involved in government and what government is all about.

The North Dakota CLOSE UP Experience is based upon the belief that students need to have an understanding of the roles of state and local governments, of politics and law, and of the rights and responsibilities of citizens in a democracy if the American experiment in self-government is to survive.

NORTH DAKOTA STATE CLOSE UP GOALS

1. Increase the interest and promote participation of citizens in all levels of government.
2. Increase awareness and understanding of the functioning of North Dakota state government.
3. Increase awareness and understanding of the issues facing North Dakota.
4. Increase interest in the politics and issues of the State of North Dakota.
5. Increase awareness and understanding of how special interest groups influence the policies of executive agencies.
6. Increase awareness and understanding of the media's role in government.
7. Increase communication between and among individuals from different schools and regions.
8. Avail current executive branch resources to all North Dakota Secondary Schools.
9. Develop academic and social skills through on-site learning and direct experiences.
10. Create an awareness of the unique characteristics and distribution of powers within the executive branch.
11. Provide an understanding of the political influences and conflicts that help shape our government.
12. Provide teachers with experiences and technical resources to enhance their instructional programs.

ENDORSEMENTS

The National Association of Secondary School Principals has endorsed Close Up as one of its recommended activities. The North Dakota Department of Public Instruction, along with members of the North Dakota Close Up Advisory Board, heartily endorse this effort at both the state and national level.

Senator Quentin Burdick and Congressman Byron Dorgan serve on the Close Up Foundation's national board of advisors. Dr. Sanstead serves on both the state and national committees.

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PLANNING FOR THE STATE CLOSE UP EXPERIENCE

This section provides ideas and assistance to enable you to participate actively and successfully in the state Close Up Experience. Teachers and students who have attended previous State Close Up programs strongly recommended that all participants be familiar with the format and content of this booklet. The fast pace of the State Close Up does not give you a lot of time to study. In fact, you can have a lot of fun and learn a lot more if you have some idea of what to expect.

First, a brief look at the format of this booklet. It is divided into five major sections:

1. This section, the Planning section, identifies some items to be considered during the entire process and lists the resources used in developing this booklet.
2. The Experience section is based upon the agenda. The pages following the agenda contain information in the same order as the agenda. For example, state government, the first major topic on the agenda, is also covered on pages 14-15. The second major topic, the role of the executive branch, is covered on pages 18-23. There is ample room for you to pose questions as well as to jot notes while you are attending Close Up.
3. The Extending the Experience section lists some ideas for you to consider when you return home.
4. The Background section contains descriptions of all agencies in the executive branch of North Dakota government.
5. The appendices provide resources to help you become familiar with the structure of government and with the major boards and commissions that will be covered during the State Close Up Program.

This booklet is not meant to cover all the information about the system. We hope that it sparks your interest and that you will be able to identify additional resources that you will find useful when you participate in the State Close Up Program.

RESOURCES

Jelliff, Theodore. North Dakota: A Living Legacy. Fargo: K & K's, c1983.

Available from the Department at \$14.10 per copy.

Omdahl, Lloyd B. 1987-89 Governing North Dakota and The Constitution of North Dakota. Grand Forks: University of North Dakota Bureau of Governmental Affairs, 1987.

Vipond, Leo F. 1987-89 Governing North Dakota Teachers Manual. Grand Forks: University of North Dakota Bureau of Governmental Affairs

Perspectives. Arlington, VA: Close Up Foundation, 1987. Available through the Close Up Foundation for \$9.00 per copy.

The Structure of North Dakota State Government. 1981. University of North Dakota Bureau of Governmental Affairs. Published by the North Dakota State Library.

Additional resources that are available from the school library media center or in the classroom should be utilized.

BACKGROUND INFORMATION

GOVERNMENT	"State's Rights and The Constitution" <u>Perspectives</u> , page 9
GOVERNMENT, LOCAL	<u>North Dakota: A Living Legacy</u> , Chapter 27 <u>1987-89 Governing North Dakota</u> , Chapters 8, 9 and 10
GOVERNMENT, STATE EXECUTIVE	<u>1987-89 Governing North Dakota</u> , Chapter 4
EXECUTIVE	<u>North Dakota: A Living Legacy</u> , Chapter 26
GOVERNMENT, NATIONAL	<u>Perspectives</u> , page 126 "Increasing the Responsiveness of the Federal Bureaucracy", page 128
MEDIA	<u>Perspectives</u> , pages 189-200
LOBBYISTS	<u>1987-89 Governing North Dakota</u> , page 70 <u>Perspectives</u> , pages 157-167

FOLLOW UP ACTIVITIES

- Submit thank you letters to contributors, program supporters and government officials
- Contact local media
- Make Close Up presentations to schools and communities
- Continue or initiate any of the above activities or those activities listed in the follow up section of this guide
- Invite legislators to talk about their relationship with the executive branch.

TEACHER RESPONSIBILITIES

- Select Close Up participants
- Assist Close Up students in preparing for the Experience
- Complete and submit registration on or before the deadline
- Arrange transportation to and from Bismarck
- Develop and maintain a Close Up file in school
- Meet with parents
- Become familiar with the 1987-89 Governing North Dakota and this guide.
Review with students.
- Ensure that students are knowledgeable about the information contained in the appendices of this guide
- Check for special medical needs, notify the Department of Public Instruction
- Encourage active participation during the experience
- Complete a program evaluation, offer suggestions for improvement
- Supervise the activities of your students during the event.

STUDENT RESPONSIBILITIES

- Study the North Dakota Close Up Participant Guide
- Read state newspapers
- Listen and watch for information relating to local and state government
- Become knowledgeable about the role and functions of local and state government, media and lobbying
- Be knowledgeable about the information located in the Appendices of this booklet.
- Be knowledgeable of expectations of participants involved in Close Up
- Agree to conditions listed on official Close Up forms
- Bring the North Dakota Close Up Participant Guide to Bismarck.

CLASSROOM/INDIVIDUAL ACTIVITIES

- Study local issues
- Complete research projects
- Organize and conduct debates
- Observe local government in action, e.g. school board, city commission, township board
- Conduct surveys of students and community members
- Interview legislators, community members, local government officials, lobbyists, and/or media personnel
- Invite a panel of government officials, media personnel and/or lobbyists into the classroom
- Conduct mock sessions, e.g. meetings of the city council, township, school board, or county commission
- Develop scrapbook(s) on issues and/or local and state government
- Develop questions for the experience section of this booklet.
- Research background information on the structure of state government.

PREPARING QUESTIONS FOR THE STATE CLOSE UP EXPERIENCE

You can prepare some of your questions before your trip and then rework them to fit the occasion when you get to Bismarck. When formulating your questions consider the following:

--the topic of discussion

--the speaker(s) and his or her areas of expertise

--what you really want to know--facts, definitions, opinions, relationships, emotional reactions, or evaluations

Factual Questions: Ask for specific data about events or issues.

Defining Questions: Ask the speaker to explain a concept, term, idea, or issue.

Opinion Questions: Ask for the speaker's judgment without asking for a full evaluation.

Emotion Questions: Ask for the speaker's feelings about a situation.

Evaluation Questions: Ask for the speaker's judgment about a situation or statement and request reasons and facts to support this judgment.

--what a satisfactory answer would include.

On page 11 is the agenda including all the sessions in which you will participate. Based on your preparation for CLOSE UP--learning about governmental processes, examining issues, reading the newspaper, watching television news--jot down a few questions you have. Then write your questions in the appropriate Experience section(s) in which you think you should ask them.

Think about each of your questions as you write them: Do you want to ask the speaker a factual question, or a defining question? Do you want to know the speaker's feelings or opinions? Do you want the speaker's full evaluation? You will get better answers from the speakers if you ask clear, thoughtful questions.

Close Up Experience Activity

When Close Up participants are asking questions, see if you can identify the question type--factual, defining, opinion, emotion, or evaluation. This will provide you with an idea of the answer that will be forthcoming. It may also assist you in rephrasing your question(s), if appropriate.

If the question you have formulated has been posed by other Close Up participants, you may elect to: 1) rephrase your question to seek additional information or clarification, 2) formulate new questions and indicate that in your notes or 3) pass and indicate in your notes that the question had been asked by other participants.

THE TEACHER'S ROLE IN THE STATE CLOSE UP EXPERIENCE

North Dakota CLOSE UP will be an exciting experience for the teachers as well as for the students. In several ways the teacher will play an important role in making the CLOSE UP Experience the best it can be.

1. In order for students to gain as much as possible from their North Dakota Close Up Experiences, they need to know all they can about the state executive branch of government, state officials, and organizational structure. This will enable them to be actively involved in the Close Up activities. They should be familiar with the content and format of this booklet. By using this booklet and the resources mentioned, the preparation can be done easily and effectively. All Close Up instructional and student activities must be reflective of the school's philosophy, goals and objectives.
2. Throughout the Experience teachers will be expected to advise, chaperone and supervise. In addition, the teachers will be expected to participate in several inservice sessions.
3. In extending the Experience, the students will need guidance and support with writing letters, presenting a Close Up summary to the school/community and becoming involved at the local level.
4. The teachers will be involved in the review of the program and the planning for the next year's program.

STUDENT PARTICIPANT GUIDELINES FOR THE STATE CLOSE UP EXPERIENCE

In order to have the best possible CLOSE UP Experience, a few rules must be followed by the students:

- Students are expected to cooperate at all times with teachers and the CLOSE UP staff.
- Defacement or theft of property or facilities which CLOSE UP utilizes is strictly prohibited.
- Possession and/or use of alcoholic beverages or illegal drugs by students is absolutely forbidden.
- The smoking of cigarettes is prohibited throughout the CLOSE UP Experience.
- At no time are male students permitted to visit in female students' hotel rooms and vice versa.
- Students must be in their rooms at designated bed checks.

Infractions of these rules may result in immediate dismissal of the student from the program. In case of such a dismissal, the student's school and parents are notified and the student returns home, at the student's own expense, with no refund of any payments.

DAILY PARTICIPATION

Students are required to participate actively in all scheduled daily events except in case of illness. Students are expected to bring their booklets to all scheduled activities. Students are responsible to be aware of the daily schedule and to be on time at all activities. Students may not leave the hotel or the group unless specific permission is granted by the teachers or the CLOSE UP staff.

GENERAL GUIDELINES

The "Participant Guide" is to be used during all educational program activities.

Nametags - must be worn at all times.

Dress - casual dress is appropriate at all functions. You may wish to dress up for the Monday evening dance.



ND students in Washington, DC



March, 1987

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NATIONAL PROFILE



FOR MORE INFORMATION, CONTACT:

Kathleen Moynihan
1-800-336-5479

Close Up Foundation
1236 Jefferson Davis Highway
Arlington, Virginia 22202
703-892-6400

During 1986-87, the CLOSE UP Washington Program will offer more innovative civic education opportunities than ever before.

Nearly 3,000 high schools from across the nation and around the world will participate in CLOSE UP's behind-the-scenes Washington week, which will feature a timely new bicentennial unit on the Constitution. Other program enhancements for the 1986-87 academic year include a special CLOSE UP curriculum on the politics of economics and an inside look at the 1986 elections during the first week of November.

The CLOSE UP Washington Program is one of the renowned government study programs offered by the nonprofit, nonpartisan Close Up Foundation, the nation's largest citizenship education organization.

The Close Up Foundation: Meeting the challenges of effective civic education

The nonprofit Close Up Foundation is dedicated to the ideal that active, aware citizens are essential to a responsive government and a healthy community.

Established in 1970, the Foundation's goal is to increase understanding of how government operates and how individuals can make a difference by becoming involved. To encourage active civic involvement, CLOSE UP provides firsthand government study opportunities to students, educators, and older Americans across the nation.

The Foundation continually seeks to make its nonpartisan civic education programs available to as many participants as possible. CLOSE UP activities are open to all students, regardless of grade point average, leadership ability, or financial status.

Participants represent all fifty states, the American Territories, the Commonwealth of Puerto Rico, the District of Columbia, and sixteen countries around the world.

The CLOSE UP Washington Program

The weeklong CLOSE UP Washington Program enables students and teachers to study the process of government where it happens—with the people who make it happen.

CLOSE UP students go behind the scenes for seminars with Washington leaders and onsite study visits to Capitol Hill and the Supreme Court. In small group workshops they also practice their civic skills, sharing ideas on current issues with students from two to three other communities across the nation.

Educators accompany CLOSE UP students to Washington not as chaperones, but as participants in a specially designed program that allows them to carry their experiences back to the classroom.

CLOSE UP has adapted its Washington programs to meet the needs of international students, and offers special programs for visually, physically, and hearing-impaired youth, as well as those who have been involved in the juvenile justice system.

Since 1971, more than 185,000 students and teachers have participated in the CLOSE UP Washington Program. More than 23,000 are expected to take part during the 1986-87 academic year.

Other programs and activities of the Close Up Foundation

• The Program for Older Americans

The CLOSE UP Program for Older Americans gives persons age fifty and over an opportunity to take an inside look at the processes of government. This weeklong program, designed to encourage involvement in the democratic process, is offered in conjunction with the American Association of Retired Persons (AARP).



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PROPOSED AGENDA

SUNDAY, February 7, 1988

3:00 - 5:00 p.m.	Hotel	Registration
5:00		Dinner Buffet
5:45		Welcome, Dr. Sanstead, State Superintendent
6:00		Steve Janger, President of Close Up Foundation
6:15		Room Transfer
6:30		Keith Bjornson, slides from Washington, DC
6:45		Orientation, Ronald C. Stastney, Assistant Superintendent
7:00		Introduction of Program Focus, John Schmaltz
7:30		Divide into two large groups
7:45		Government Trivia
9:00		Social Hour with Elected Officials
10:00		Free Time
11:00		Bed Check

MONDAY, February 8, 1988

7:30 a.m.	Hotel	Breakfast Buffet
8:30		Board Buses for Transfer to Heritage Center
9:00	Heritage Center	Lt. Governor's Address
10:00		Walk to State Capitol
10:15	State Capitol	Organizing Meeting - Explanation, Introduce Group Leaders
11:50		Board Buses
12:00 p.m.	Kirkwood Mall	Transfer to Kirkwood Shopping Mall - Lunch
1:30		Board Buses
1:45		Transfer to State Capitol
2:00	State Capitol	Committee Work - Small Groups
3:30		Respective Agency Tour
4:30		Board Buses for Transfer to Hotel
4:45	Hotel	Free Time
6:30		Dinner
7:30		Role of the Media, Darrell Dorgan/Leo Reinhold
8:00		Question and Answer Session
8:30		Dance
11:30		Bed Check

TUESDAY, February 9, 1988

7:30 a.m.	Hotel	Breakfast Buffet - Hotel Check-Out
8:45		Transfer by car to the Heritage Center
9:15	Heritage Center	Culminating Group Activity
10:30		Summary (Speaker TBA)
11:50		Wrap Up
12:00 p.m.		Box Lunch
1:00		Optional Tours featuring the State Capitol and the Heritage Center

CHANGES IN CLOSE UP AGENDA

Time	Place	Activity	Speakers
Monday, February 8, 1988			

Tuesday, February 9, 1988			
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Notes:

STATE GOVERNMENT

The North Dakota system of government is modeled after our federal system. Under our federal system states keep considerable power. The Tenth Amendment to the U.S. Constitution declares that states retain all powers (reserved powers) other than those denied or granted solely to the federal government (delegated powers). Therefore, since the federal government is responsible for national defense, treaties with other countries, coining money, etc., the states are without power in those areas. States do have broad jurisdiction in a wide range of other areas including criminal law, property rights, education, public health and welfare, highways and local government.

State government consists of legislative, executive and judicial branches.

1. Legislative Branch

Like the federal Congress, our legislature proposes legislation, holds hearings and votes on proposed legislation. Unlike the Congress, our legislature is required by the North Dakota Constitution to take final action on each and every bill introduced. In the North Dakota legislature, a bill cannot be killed in committee. Both houses of the legislature must pass a bill in order for it to come to the Governor's desk to be signed or vetoed.

During hearings on bills, the public may offer testimony directly to the committee either supporting or opposing the bill.

When the bill comes to the Governor he may decide to sign it, not to sign it, allow it to become law without his signature, veto the entire bill, or he may veto a line item or items in appropriation bills only. If a bill is signed, it becomes law July 1 of that year. The legislature may pass an emergency clause by a two-thirds vote. In that case, the law becomes effective upon being signed. If the Governor vetoes a bill, the legislature may pass it over his veto by a two-thirds vote.

2. Executive Branch

When a bill becomes law, it is generally the duty of the governor and the agencies under his control to implement those laws. The laws may pertain to other elected officials or the judicial branch, in which case those officials would implement the law.

Because North Dakota has so many elected officials, more than any other state, the Governor's authority is somewhat diluted in that each elected official can set his or her own policies, rules and regulations, without the Governor's approval.

In North Dakota only the Governor has authority to issue executive orders which have the force and effect of law. The Governor also has responsibility for compiling and submitting the budget for all of the executive offices in state government.

The Governor can and does establish Commissions or task forces to study questions and make recommendations. There are 15 officials who are appointed by the Governor. These appointees manage such agencies as the Department of Health, Human Services, Highway and others.

3. Judicial Branch

The Judicial Branch of North Dakota government is divided into four courts: the Supreme Court, District Court, County Court, and Municipal Court. Under the unified court system, the Supreme Court has general supervisory and administrative authority over all other courts.

The constitution of North Dakota provides for the election of judges on a nonpartisan basis. The debate about whether state judges should be elected or appointed is an ongoing one.

It is the judicial branch which must finally interpret the laws passed by the legislature and signed by the Governor.

The role of the judiciary is much broader than that. Its role as the third branch of state government is to insure that the state agencies headed by the Governor, the Governor's appointees and other elected officials are administering the laws as intended by the legislature. It also has the task of deciding whether the laws are constitutional.

STATE GOVERNMENT

Sunday

1. What do you think is the role of state government?
2. How do you perceive your role in state government?
3. How do you perceive your role in local government?
4. What are some of your chief concerns about local and state government?
5. What would you like to learn about the system during your Close Up Experience?
6. Do you have plans to become involved in local and/or state government?
How? When?

ELECTION OF CANDIDATES

Precinct

Counties, cities and townships determine boundaries of election precincts. Individuals must vote at the polling place in their designated precinct.

The Secretary of State is Chief Election Officer for the State. Each city and county appoints an inspector who, together with members of the counties' official election board, oversees the election process.

Districts

The State of North Dakota is divided into districts. District committees of a political party are organized to coincide with the geographical boundaries of the state legislative districts.

Because both houses of the Legislature must represent an equal number of people, legislative districts have been established by the state legislature. Populations within the legislative districts must stay within a 10 percent range between the district with the highest population and the district with the least. Because of a population growth in certain sectors of the state, three new senatorial districts were created following the 1980 federal census. With the exception of Minot and Grand Forks each having a two-senator district, all other legislative districts are single-senator districts. There are two representatives per district.

Political Party

North Dakota has a two party political system - Republicans and Democrats. A political party consists of people that support and advocate the same philosophy and principles. Individuals that subscribe to work for a party are called partisan.

Candidates for statewide office may run independent of party affiliation if they obtain 7000 signatures on a petition to place their name on the ballot.

North Dakota has two elective offices that, by law, are placed on a no-party ballot. They are the Superintendent of Public Instruction and the Labor Commissioner.

Platform

A candidate presents a platform to the constituents in the legislative district. A platform is based on a plan of action, statement of policy or a group of principles.

Constituents

Constituents are the body of citizens in the legislative district that elect the candidate to represent their interests.

THE EXECUTIVE BRANCH OF NORTH DAKOTA GOVERNMENT

The executive branch of government is one of the three separate and co-equal branches of government. It is the one branch of government that executes policy. It is also the branch that exercises leadership on a day to day basis in terms of not only implementing law but also formulating policy and responding to immediate problems. The legislature captures the attention of the public during the legislative session but it is the executive branch which is immersed in public issues for the long period between sessions. Members of the executive branch also represent state government in terms of our relations with other state governments and the U.S. government, as in the case of state representatives testifying before Congressional committees.

The governor, as chief executive, and other executives have a great deal of power; that is, they are empowered to make decisions which affect the entire political community of the state, and to determine the composition of the government of the state. However, the executive branch operates within a system of constraints and restraints. These may be constitutional, statutory, cultural, and political. Most restraints insure that the governor can act only with the concert of other elected officials or with some coordinated activity on their parts. Checks and balances operate throughout the system. Constitutional restraints also place limits on what executives may do.

In terms of constitutional and structural restraints, the most obvious feature of North Dakota's system is the fact that the state's voters elect some 12 state officials separate from the governor and the lieutenant governor. These include the Secretary of State, the Attorney General, the State Auditor, the State Treasurer, the Insurance Commissioner, the Tax Commissioner, the Commissioner of Agriculture, the Commissioner of Labor, the Superintendent of Public Instruction, and three Public Service Commissioners. These executives are not responsible to the governor and make policies for their own departments and administer the laws as they see fit in the fields which the legislatures assign to their departments. In many other states, many of these offices are appointed by the governor and occupants may be removed by the governor as he/she sees fit. In a 1975 study, North Dakota was ranked 39th among the 50 states in the power of the governor to control appointments of vital state offices.

Officials Have Four-Year Terms

Almost all North Dakota state officials are elected for four-year terms in presidential election years. The exceptions are the public service commissioners and the labor commissioner. The public service commissioners have six-year terms because there are three of them and one comes up for election every two years. The labor commissioner is elected in the nonpresidential years because that office was started in 1966, a nonpresidential year. The terms of elected officials begin on January 1 following their election, except beginning in 1988, the terms of the governor and lieutenant governor will begin December 15 following their election.

The governor and lieutenant governor are elected as a team with voters casting one vote for both. To serve as governor or lieutenant governor a person must have reached the age of 30 and have lived in North Dakota the five years immediately before election.

The governor's powers are at a maximum when the other elected officials are of the governor's political party; they are at the lowest when the other elected officials are predominantly members of the opposition party. Governor George Sinner, the present governor has the luxury of a compliment of elected officials that are largely of his own party. There is no guarantee that elected officials will follow gubernatorial direction even though they may be members of the governor's party. For instance during the 1987 session, the differing views of the governor and the Superintendent of Public Instruction on state funding projections for the state's elementary and secondary schools was public knowledge. The Superintendent of Public Instruction had a constituency to protect and a commitment to quality education. The governor had a commitment to balancing the budget and to keeping tax increases to a minimum in difficult economic times. In a sense the fact that these high political officials won their position by election provided a check and balance that allowed for an accommodation of different political interests, both of which were legitimate.

An important part of a governor's powers are his/her appointment and removal powers. He/she does make such important appointments as the Director of the Office of Management and Budget, the State Highway Commissioner, the Superintendent of the Highway Patrol, the Director of Institutions, the Game and Fish Commissioner, the Director of Parks and Recreation, the Director of Human Services, and the State Health Officer. The governor can thus be seen as head of an executive team. The governor also has the power to fill vacancies through appointment. This can include vacancies in elective offices. Thus the governor was able to fill the vacancy in the Lieutenant Governor's office that occurred in March 1987. He is also able to fill judicial vacancies. For instance, the present Supreme Court has four of its five members who were originally appointed by the governor (two by Governor Allen Olson, two by Governor George Sinner). When a vacancy occurs, a Judicial Nominating Committee consisting of members appointed by the Governor, the Chief Justice, and the State Bar Association meet to consider applicants and nominees and they provide the governor with a list of persons from which he/she is to make a choice.

The governor is also empowered to appoint the majority of members on some 26 different boards and commissions. Again his/her powers are limited by other checks. Many of the boards and commissions must include members from different associations or professions. The governor makes the appointments but the appointments must be made by recommendations made by associations recognized in statutes. For instance, the State Health Council determines Health Department policy. The governor appoints the eleven members but one member is from nominations provided by the North Dakota Medical Association, one from nominations provided by the North Dakota State Hospital Association, one from nominations by the North Dakota State Nurses Association, and so forth. This pattern is repeated for many of the state's boards and commissions. What this implies is more check and balance. The governor is directed to be sensitive to the needs and interests of certain groups.

One area where a substantial check is put on the governor's appointment powers is in appointments to the State Board of Higher Education. Here the appointments are considered important enough that they must receive confirmation by the North Dakota Senate.

Many of North Dakota's boards and commissions, especially the important ones, also exhibit a requirement of check and balance. Intrabranh representation insures that no one elected official can dominate the decisions assigned to the board or commission. For example, the State Board of Investments which determines where the monies of the many state funds which are kept in trust (e.g., State Bonding Fund, Teachers' Retirement Funds, Workman's Compensation Fund) shall be invested is composed of the Governor, the State Treasurer, the State Land Commissioner, the Insurance Commissioner and the Chairman of the Workman's Compensation Commission. As one can see, North Dakotans are very cautious in how their public monies are managed and are loath to see any one person exhibit control over funds. See Appendix B of this guide for more information on state boards and commissions.

Political Checks and Balances

All states exhibit a check and balance between the legislative branch and the executive branch in terms of the process of lawmaking. The governor has a major role in the passage of legislation. Before each session, the governor communicates to the legislative assembly the "state of the state" address in which he/she outlines the problems and the suggestions for the legislature's reaction to these problems. He/she can also recommend specific legislation. Finally, he/she has the responsibility for preparing the budget of the state for the next two years and his/her analysis, his/her priorities, his/her assessments of revenues and expenditures represents the foundations on which the legislature draws up its appropriation and tax bills. In these functions the governor has a real presence in the legislative process even though he/she is in a separate branch of government. The governor, of course, has a direct role in legislative outcomes in that he/she has the veto power. All bills passed by the legislature are forwarded to him/her for approval or disapproval. If he/she disapproves the bill, he/she returns it to the legislature and it then requires a vote of 2/3 in each house to pass the bill over his/her veto. In effect, the governor's veto power gives him/her a vote equal to two-thirds of the entire legislature. The governor in North Dakota also has the power of the "item veto" which allows him/her to veto individual items in an appropriation bill while still approving the bill in its other sections. Appropriations bills are usually drafted in such a manner that an item veto would entail disapproval of an entire agency budget.

There are checks upon the governor's legislative actions. Once the governor makes a proposal to the legislature, he/she can only attempt to achieve his/her ends by gentle persuasion. A provision of the North Dakota Constitution makes it clear that the governor can not use any threats, or bribes, or any promise to induce a member of the legislature to vote in a certain manner. A North Dakota governor can not even use the threat of a veto to sway the legislature in getting it to draft legislation to his/her liking. There also is a custom of strong disapproval of a governor "standing behind the rail" while the legislature is conducting its business. The governor is well advised to stay out of sight when the legislature is considering the governor's suggested measures.

Governors, of course, utilize the legislative leaders of their own party to sponsor their proposed legislation and work for its passage. They can also attempt to mobilize the legislative members of their own party through the legislative party "caucus," an informal meeting of the members of a particular party's legislative members.

While the governor's budget and tax and revenue proposals represent the opening of the law-making process, leaders and members of the North Dakota legislature are prone to say that "We are the policy-making branch of government." In fact, after the governor presents the budget and proposals, members of the political opposition in the legislature are likely to propose significant amendments. The final shape of the budget has, in most sessions, been a compromise between the governor and the opposition party.

Federal Checks and Balances

Each state is a sovereign and independent political entity, but it is also a member of these United States. As a result, national interests, United States constitutional principles (as voiced by the U.S. Supreme Court) and federal statutes and regulations govern the actions of members of North Dakota's executive branch. The Supremacy Clause of the U.S. Constitution indicates that the United States government is supreme over state law in those areas where the federal government has the authority to pass laws. The Supremacy Clause also applies to federal regulations. A federal regulation has the same force of law as an act passed by the Congress of the United States.

In terms of statutes there are a number of statutes that directly govern the actions of executives and most relate to the 14th Amendment protection that "no state shall deny to any persons within its jurisdiction of equal protection of the laws." To this end states and state executives must conform with the Civil Rights Act of 1964 and its 1972 Amendments (which prohibit any discrimination as to race, color, national origin, or sex). They must adhere to the Age Discrimination in Employment Act (ADEA), the Equal Pay Act, and the Rehabilitation Act of 1973 which prohibits discrimination in employment. The importance of these statutes is not so much that they require the states to provide equal protections to persons, but that they articulate the specifics by which the states must conform to the 14th Amendment.

State agencies are also subject to federal statutes and regulations where the state receives funds from the federal government. As a condition of receiving those funds, the state must comply with federal standards, eligibility requirements, and qualifications. Perhaps the greatest area of federal compliance comes in the human services area where the state actually administers federal programs as Aid to Families with Dependent Children, Medicaid, or the Food Stamp Program. Other areas where the state receives federal monies and must closely follow federal regulations are in their vocational rehabilitation programs, their special education programs ((the Department of Public Instruction has state officials who have as their full responsibility the administration of Chapter 1 (compensatory education) and Title II (science and math) programs funded through the federal government)). The Highway Department must also closely conform to federal directives in terms of its maintenance of the state highways, particularly the interstate network.

Another area where federal regulation and supervision has increased has been in the area of persons and wards under the state's care and protection. Federal

courts have increasingly stepped in to protect the rights of patients and residents of the State Hospital, and the Grafton State School, and the group homes established by the state for the developmentally disabled. The federal courts have issued directives and established mandated goals to insure that the fundamental needs of these persons under the state's care are met.

Cultural and Economic Checks

The Governor and other state executives must act in relation to political realities and the political culture of the state. That is, they must act in conformity with the expectations of the state's citizenry in terms of how government is run and how it should serve them. North Dakota is a rural state whose inhabitants exhibit a strong work ethic and who are very insistent that government officials are honest, fair, and open and above-board in all their decisions. One example of our citizenry's expectations in the last regard is in their strong support of the states Open Meeting Law. This means that all meetings of any officials bodies of the state must be open to the public and to the press. Thus decisions of boards like the Industrial Commission or the Investment Board must be made in the open. All deliberations take place in a fish-bowl atmosphere. Our state's citizens exhibit what political scientists call a moralistic political culture.

North Dakotans also show strong equalitarian tendencies. They want government services to be readily accessible even in rural areas and they want an equal distribution of what government can provide throughout the state. Thus educational services or health services which the state's citizens consider vital must be readily available in every region. It thus becomes very difficult and politically unacceptable for state executives to make a decision which will close a local college or deny a particular community the permit it needs to build a local nursing home. Executive decisions must insure that no part of the state is neglected. It also has been difficult to centralize certain of the state's services and functions. Attempts to set up regional correctional facilities or regional human services centers meet with opposition. They often threaten the vitality and activity of local county seats. Executives thus are forced to be sensitive to local interests, to counties, to the concerns of both the eastern and western parts of the state.

Finally the governor and other executives must be sensitive to the ideas that the citizens of the state have in regard to fiscal matters. North Dakota citizens are citizens who want their tax monies to be spent wisely. They also would like their taxes to be kept at a minimum. Older North Dakotans experienced the Great Depression which lasted from 1930-1940 and which saw a majority of the state's citizens in poverty. Present North Dakotans also see an agricultural recession which has forced many farmers and ranchers off the land. They are quite unsympathetic to large government expenditures and to high salaries for state executives and state employees when times are economically difficult for many. Finally, their depression experience has instilled in them a respect for both frugality and for saving. As many older North Dakotans would say, "It is good to have a full root cellar." This feeling, a root cellar mentality, has been translated into citizen expectations of our politicians and executives. The state cannot be allowed to go into debt (and that itself is mandated in the state constitution). Executives are expected to be frugal. If sums in their accounts are not expended by the end of the fiscal year, they must be turned back to the general fund of the state. Executives who turn back sums are held in higher regard. The best sign of the

state's financial and political health is a healthy balance to carry over into the next biennium. This also provides the opportunity to reduce taxes. On the other hand, a low balance mandates frugality, the cutting of budgets, and the deferral of new projects or raises for public employees. In any case, consideration of the state's fiscal situation is often controlling in terms of what executives are able to propose or to accomplish under approved programs. It also controls the legislature. More often than not, the final decisions that a legislature makes in regard to the state's budget and to its tax policies wait for new projections and assessments of the state's economy.

So far we have discussed the extent to which different factors limit the governor or other elected officials to control and administer the government and to fulfil their constitutional functions. However, as officials in a rural state of small population, they nevertheless enjoy advantages that governors and executives of urban and industrial states do not have. As Joseph Schlessinger has observed, in a state with no large cities and with no large industries, there is no more important figure than the governor. In an industrialized state of high population, mayors of large cities, heads of labor unions, corporate executives of large national corporations, political party bosses, media spokespersons compete with the governor. The governor of a state like North Dakota also works with a political and economic elite that is small in numbers and interrelates on a very personal, almost intimate basis. It is possible for the governor of North Dakota to be personally acquainted with every legislator, every state official, every representative of local interest groups. This personal dimension of politics in our state allows for leadership to be exercised in such a way that governors can be effective irrespective of the constitutional and political constraints placed on them. Similarly other state officials become acquainted with almost all the people in the state who may be in some position to formulate legislation, provide input, influence policy, implement their policies, or review their performance. They are thus more able to make their policies effective through personal contact.

Submitted by Dr. Theodore Pedeliski, Political Science Department, University of North Dakota

THE ROLE OF THE EXECUTIVE BRANCH

Speaker: _____ Position Held: _____

Background: _____

Opening Remarks

Question-and-Answer Session

Questions:

Answers:

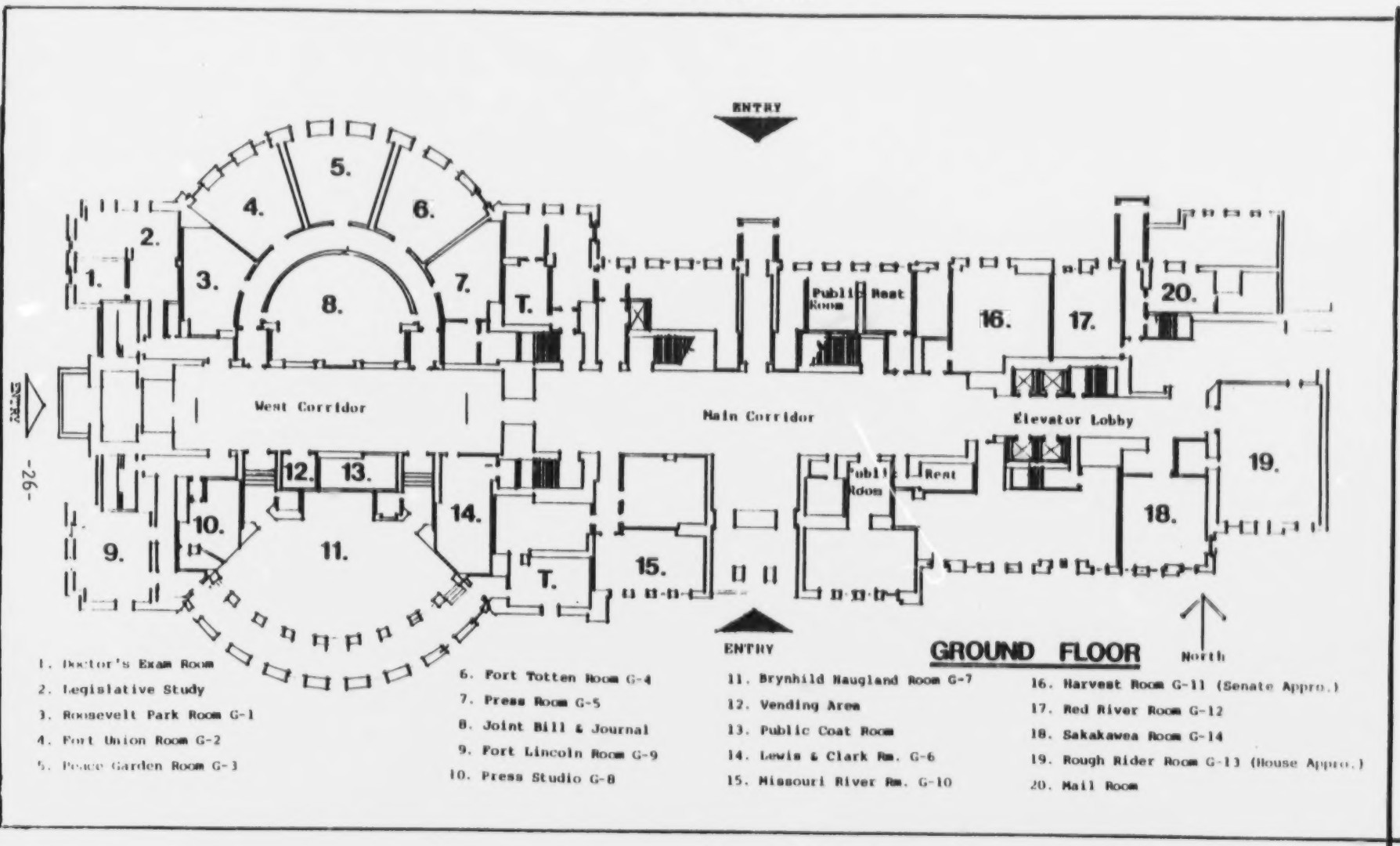
Questions for the Speaker or Comments

DIRECTORY OF EXECUTIVE AGENCY OFFICES

State Capitol Bismarck, North Dakota

First Floor	Office of the Governor	224-2200
	Lieutenant Governor	224-2200
	Secretary of State	224-2905
	Attorney General	224-2210
Third Floor	State Auditor	224-2241
	State Treasurer	224-2643
Fifth Floor	Labor Department	224-6140
	Insurance Commission	224-2440
Sixth Floor	Agriculture Department	224-2231
Seventh Floor	Tax Department	224-2770
Tenth Floor	Higher Education	224-2960
Eleventh Floor	Superintendent of Public Instruction	224-2260
Twelfth Floor	Public Service Commission	224-2400

STATE CAPITOL BUILDING



MEDIA SEMINAR

What are some of the key issues confronting the media? Interpretation of the First Amendment is almost always an issue. What are some of the restrictions on reporters' First Amendment freedoms? Do the restrictions affect a reporter's ability to do his or her job? Reporters use many sources (many not mentioned by name) for their stories. Who are these sources? How do different sources--government officials, press conferences, press leaks--affect the story we read or hear?

How is "news" chosen for printing in the newspaper or airing on television or radio? Who decides what is news? Many questions arise when you begin to think about the media. The media play a very important role in the political process since most of our information about politics and issues comes from television, newspapers, magazines, or the radio. Can you think of some questions for the media speaker?

"Congress shall make no law respecting an establishment of religion or prohibiting the exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The First Amendment could not have been clearer in its wording. Our Founding Fathers believed that no nation could be truly free unless its citizens enjoyed access to information and the right to speak out about their government. They also recognized that no democracy could function properly unless its citizens were sufficiently informed to make educated selections at the ballot box.

When the First Amendment was written, "the press" referred to the print media alone. Today, the press includes all forms of media, including television and radio. With the expansion in scope of the media has come a growth in its political role and influence. Today, we are dependent on the media for virtually everything we know about the workings of government and the nature of our political candidates.

Dependent as we are upon information provided by the media, it is critical that journalists adhere to high standards of honesty and objectivity. Of course no one can be completely objective, so it is important to realize the ways in which journalists may be affected by their own biases or the limitations of the information that they have to work with. And it is important to remember that most of our news comes to us through commercial media who entertain as often as they inform.

As you participate in this session, ask yourself why it was that the Founding Fathers were so concerned about freedom of the press and whether there are any circumstances that warrant limiting that freedom. Consider, too, how the insight into the profession of journalism might help you to become a more educated consumer of news.

MEDIA SEMINAR NOTES

Your speakers have been asked to provide an understanding of the media as the "fourth branch" of government and to examine issues concerning the media as an interpreter of government processes. What questions would you like to ask them?

Speakers: _____ Positions Held: _____

Backgrounds: _____

Opening Remarks

Question-and-Answer Session

Questions	Answers
-----------	---------

Questions for the Speakers or Comments

Do you have any questions or comments about the topic that you would like to see addressed at the small group sessions?

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NORTH DAKOTA CLOSE UP SUMMARY

You have been an active participant in the fourth North Dakota State Close Up Program. As you look back at your experiences, you may wish to address the following questions from a different perspective than you did when you first arrived in Bismarck.

1. What do you think is the role of state government?
2. How do you perceive your role in state government?
3. How do you perceive your role in local government?
4. What are some of your chief concerns about local and state government?
5. Did you learn about the items about state government that you identified on page 16? Please describe.
6. Did you gain useful information on the Executive Branch?
7. Do you have plans to become involved in local and/or state government?
How? When?

The thing(s) I liked best about North Dakota Close Up:

The thing(s) I liked least about North Dakota Close Up:

NORTH DAKOTA



1. STUDENT PARTICIPATION



11. GARRISON DIVERSION



10. EDUCATION



Richard Madson
Murray Sagsveen



Adrian Dunn
Dave Meade

CLOSE UP

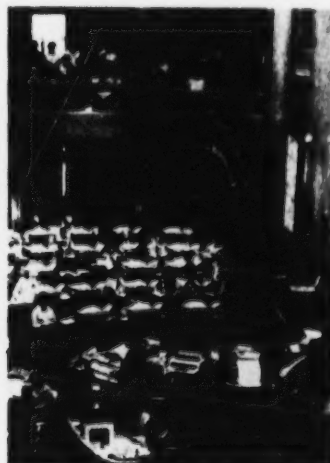


12. LUNCH AT THE HERITAGE CENTER



2. GOVERNOR George Sinner

STUDENTS
P E A K E R S
The
EVENT
FEBRUARY '85
STUDENTS



9. OBSERVING THE LEGISLATURE



13. GOVERNMENT
David Sitte



14. ENVIRONMENT
Brian Palacek



Gene Christianson



3. Jay Burlingrud,
LEGISLATIVE COUNCIL



5. Dr. Wayne Sanstead,
SUPERINTENDENT, DPI



8. LOBBYING



Lowell Ridgeway,
Ken Ziegler



4. CONGRESSMAN Dorgan



6. STUDENT INVOLVEMENT



7. THE MEDIA



Darrell Dorgan
Bob Jansen

A LEGISLATIVE EXPERIENCE



15. STUDENT NOTE TAKING

EXTENDING THE EXPERIENCE

PRE- AND POST-EXPERIENCES

It is critical to Close Up that students and teachers involve themselves in activities both before and after the state event. Activities before the State Close Up can provide excellent preparation leading toward a fuller understanding of the issues, concepts, and procedures. Follow-up activities extend the experience and encourage continued participation in government.

The possibilities are innumerable! The following are suggestive, only:

Thanking those who were involved in Close Up and those who supported Close Up.

- State Officials and State Agencies
- State Close Up Presentors
- Close Up Advisory Council Members
- School boards, administrators, teachers
- Media personnel
- Department of Public Instruction Staff Members

Community Awareness

- Presentations, Interviews, Activities
- School board meetings
- Organizational meetings; e.g. Lions, P.T.O., Senior Citizens
- Media - television, newspapers (local and school), radio

Community Involvement

- Observe local government in action
- Joint activities with League of Women Voters
- Organize community activities
- Voting

School Activities

- Make presentations to students and teachers
- Organize a Close Up Club
- Research additional issues--conduct debates, publish pro and con documents, prepare and conduct surveys
- Initiate or continue Close Up Experiences and Activities
- Develop bulletin boards
- Conduct a mock governmental activity
- Conduct simulations from state Close Up

Coordination with Department of Public Instruction

- Submit published articles
- Submit articles for publication in the Perspective
- Share successful activities and strategies

EXTENDING THE CLOSE UP EXPERIENCE IN YOUR SCHOOL

Directions: 1) List as many items under each category that could be initiated by Close Up teachers and/or students in your school, 2) Review the list you have completed and place an asterisk in front of each activity you could do by yourself or with a group, 3) Review the asterisked items, place a second asterisk in front of the items of particular interest to you. Discuss these with the Close Up students/teachers from your school.

Letters

Articles

School Activities

Community Activities

Other (Specify)

SOURCES OF INFORMATION FOR STATE CLOSE UP

1. Special Interest Groups

Groups who support or oppose specific issues may be of assistance to you. Students may also want to conduct a survey of students, parents or members of the community.

2. State and County Newspapers

State and county newspapers provide valuable information.

The North Dakota Daily Newspapers include:

The Bismarck Tribune, Bismarck, 58501
Devils Lake Daily Journal, Devils Lake, 58301
Dickinson Press, Dickinson, 58601
The Forum, Fargo, 58107
Grand Forks Herald, Grand Forks, 58201
Jamestown Sun, Jamestown, 58401
Minot Daily News, Minot, 58701
Valley City Times-Record, Valley City, 58072
The Daily News, Wahpeton, 58075
Williston Herald, Williston, 58801

For further information please contact the North Dakota Newspapers Association, Jill Denning, Executive Vice President, Box 8137, University Station, Grand Forks, ND 58202.

3. North Dakota State Library - Capitol Grounds - Bismarck, ND.

4. North Dakota Century Code and the Laws of North Dakota. Published by the authority of the North Dakota Legislative Assembly.

5. Resources identified on page 1 and 2.

DOS AND DON'TS WHEN CORRESPONDING WITH GOVERNMENT OFFICIALS

The following suggestions are offered by the North Dakota Congress of Parents and Teachers when writing to government officials.

A DOZEN DOS AND DON'TS

DOS

1. DO know your official's full name. Spell it correctly.
2. DO inform yourself about the measure of concern to you. Know what you are talking about.
3. DO use plain stationery or personal stationery.
4. DO use first class mail.
5. DO be concise.
6. DO be complete enough to give pertinent reasons and facts.
7. DO be sincere.
8. DO be courteous always.
9. DO follow through. Let your official know you are watching his record with deep interest.
10. DO write a letter of appreciation whenever an official does something that meets your approval.

DON'TS

1. DON'T guess at the spelling of the official's name or his/her initials.
2. DON'T guess at facts or base your letters on rumors.
3. DON'T use mimeographed or printed postal cards; they give no evidence that you can think for yourself.
4. DON'T use form letters under any circumstances.
5. DON'T be wordy.
6. DON'T leave out essential details.
7. DON'T use insincere flattery or flowery terms.
8. DON'T use threats--ever!
9. DON'T write letters of criticism or request only.
10. DON'T forget to write a thank-you letter.

All of these suggestions apply to all levels of government--federal, state and local.

COMMUNITY INVOLVEMENT

"TIPS" TO AID TEACHERS IN INVOLVING COMMUNITY PERSONNEL AND USING LOCAL FACILITIES

WHOM TO CONTACT

Contacts may be made directly with the mayor's or the city manager's office. Depending on the structure of the local government, these individuals have direct responsibility over the various departments within the governmental structure. For townships, counties, and special governmental districts, it is best to contact the chairperson of the board.

MEETING GOVERNMENTAL PERSONNEL

Once the initial contact has been made, it is important that personal contact be established with the individual who will help with the project. At this meeting, it is important that the teacher have a specific plan as to what he or she hopes to accomplish (goals and objectives) and the kinds of facilities and personnel that will aid in the project. If objectives are not clearly stated, the chance of getting governmental personnel to give up their free time is not great. Being organized does not mean being inflexible. A timetable may have to be modified and adapted to coordinate with the schedules of local workers and with the use of facilities. Good planning and organization are essential to the success of this type of project.

PREPARING LOCAL PERSONNEL

In addition to organizing activities and scheduling events with the local government personnel, teachers need to prepare these individuals for their teaching experience. Most of these persons have little or no experience in a teaching situation. Individuals must be briefed as to the age, abilities, content background, and interests of the students, and the amount of time allocated to the activity. A good balance of activities would be a combination of lecture, discussion, observation, and doing.

CONDUCTING ACTIVITIES

Scheduling is probably the single most important factor in working with local government personnel. All individuals involved should have a copy of the sequence of events--this includes the students. Times, places, activities, speakers and topics all should be listed as parts of the schedule. It is a good idea to have someone accompany the class who can help with troubleshooting while activities are taking place.

FOLLOW-UP

When all activities have been concluded, it is important to thank all those who participated. The groundwork for next semester's or next year's activities may be laid by arranging follow-up conferences to discuss future plans. Most people who participate in such activities like working with students and are willing to help in improving activities for the next group of students.

PUBLICIZING EFFORTS

These activities should not go unnoticed. Local newspapers and even radio and television stations are interested in school-community activities. Pictures can be taken of the activities, or the local media can be invited to attend some of them. Notices can be sent out in advance, and calls to the news media need to be made about a week prior to the activities.

HIGH INVOLVEMENT PROGRAMS

Programs that involve a high level of planning by the teacher and cooperation by local personnel are as follows:

1. Development of Publications and Media Presentations. Students who have been studying various aspects of local government can develop written and/or audiovisual materials as concluding types of activities. These projects not only help to synthesize the materials studied, but they provide information for next year's students. Such activities may also be used for instructional purposes by having students teach younger children about the government in the community.
2. Video Taped Council Sessions. Teachers may want to video tape council sessions to use for classroom instructional sessions. This can be a very useful teaching tool, especially when a local issue has given rise to various citizen groups opposing one another. However, the tape should be used in conjunction with the students doing information-gathering and analysis of the issue in advance. It is important that the teacher receive permission from the council well in advance of the session.
3. Mock Council Meetings. These can be popular activities where students conduct a council meeting and try to decide on the passage of some local legislation. It is important that students be assigned roles and that they research the topic thoroughly. They should be instructed to make sure that they represent the views of their assigned roles. It is not usually a difficult task to arrange the use of the local council's meeting room. This will give the activities a more realistic presentation.
4. Student Official for a Day. Students are elected to be an official for a day. Active participation by both students and elected officials is the key to the success of this type of program.

LOCAL GOVERNMENT

In North Dakota "cities" are all those municipalities incorporated under either the council or commission form of government.

COUNCIL FORM OF GOVERNMENT

Under the council form of government the governing body is the city council which is made up of the mayor and aldermen. In cities of less than 200 population, there are four aldermen, numbers vary up to a total of 14 aldermen in cities of over 10,000. In cities of 600 or less, aldermen are elected at large. In all other cities, the aldermen are elected by wards, with two aldermen being elected from each ward.

An alderman must be a resident of the ward for which he/she is elected and cannot have been convicted of a crime. An alderman holds office for four years. Vacancies may be filled by special election or by appointment of the council.

The council meets at least monthly on a date before the 15th set by resolution or ordinance. The council is required to publish a record of its proceedings in the official newspaper. The mayor is the chief executive and serves a four year term. He/she only has a vote in case of a tie. The mayor also has authority, with the approval of the council, to appoint the chief of police.

CITY COMMISSION GOVERNMENT

In city commission cities, the governing body is the board of city commissioners, which is composed of the president of the commission and four city commissioners.

Commissioners are elected at large and not by wards. Each commissioner and the president hold office for a four year term. The president is the executive officer, but retains his/her right to vote and does not have veto power. The mayor in a council city has veto power.

In a commission, city commissioners divide administrative responsibilities. These responsibilities are stated in law as: police and fire commissioner; a street commissioner; a water and sewer commissioner and a finance commissioner.

If 25 percent or more of the qualified electors of a city wish to employ a city manager, they may petition for that plan and the city must hold an election on such a plan within 90 days. Such a plan requires four-sevenths of the vote to be selected in such an election.

If such a plan is selected, the city manager will be the chief administrative officer of the city. The governing body will make the selection of the manager and determine the qualifications.

ORDINANCES

In all forms of city government, the adoption of ordinances is the same. An ordinance must be read twice and at least one week must elapse between the first reading and the second reading and final passage. A recorded vote must

be taken on the passage of all ordinances and expenditures or appropriations or as requested by any member.

In a council city, the mayor may veto an ordinance. If he/she vetoes an ordinance, he/she must do so within five days of passage. A veto may be overridden by two-thirds of the council members. Every ordinance which imposes a penalty, fine or imprisonment must have the title and penalty clause published in the official newspaper. Ordinances take effect following passage or publication. All cities must maintain a book of ordinances.

LOCAL GOVERNMENT PERSONNEL

The following "model" questions can be used to find out information about elected and hired local government personnel.

Mayor. Who is the mayor? Does the mayor have another job, or is being a mayor a full-time job? What qualifications are necessary to become mayor? How is the mayor chosen? What part do political parties play in choosing the mayor? What is the mayor's term of office? What is the mayor's salary? What benefits does the mayor receive other than salary?

Council Member. Who are the council members? What ward or district do they represent? What is the difference between ward and at-large council members? What are the qualifications necessary to become a council member? What is the term of office? What are the responsibilities of council members? What salary and benefits do council members receive for their efforts?

Hired Personnel (example--City Planner). What training, education, and experience are necessary to qualify for this position? What is the yearly salary and requirements for advancement? How does one obtain such a position? What are the responsibilities and obligations that go with this position? What are some of the positive and negative aspects of this position? Does the local community really need a person in this position? Justify its need.

LOCAL GOVERNMENT AND THE CITIZENS

The topics and questions that are presented below reflect some examples of how citizens can interact with their government. This interaction may take the form of using governmental services or being restricted by local laws or ordinances.

Ordinances. Locate a copy of the local community ordinances. What are the restrictions on loud parties, late night noise, and noise pollution? What are the bicycle regulations in the community? What are the penalties for public disturbance and disorderly conduct? Are there any ordinances on shoplifting and petty theft? What rules govern the use of tobacco, alcohol, and dangerous drugs by minors? Does the community have any truancy, vagrancy, and curfew ordinances?

Codes and Permits. Is there a unified local building code or series of codes? What do they cover? How are they enforced? Let's say a family wanted to add a garage onto its house. What permits are necessary before work begins? Where can permits be obtained? What is the cost of these permits and how long are they valid? What kind of inspections are made? Who makes the inspections and when are they done? What recourse is available when a disagreement arises with the building inspector?

Services for Senior Citizens. Does the government have any employees whose responsibility is to provide services to senior citizens? If so who are these employees and what are their responsibilities? If not, why not? What community facilities and programs are provided for senior citizens? Consider the following: recreation, health, food and nutrition, housing, and transportation. Does the government assist private organizations that help senior citizens in the community that are not presently offered?

QUESTIONS ABOUT LOCAL GOVERNMENT

There are many questions that can be asked and answered by students in relation to the way local government is organized (structure), how it operates (function), and the people who work within it (personnel). The following examples provide a sampling of questions that can be researched concerning the government. The questions should be used as starting points for the many areas of local government that can be explored.

THE AUTHORITY OF LOCAL GOVERNMENT

- What is the legal basis for authority of your local government (charter, state constitution, statutes, etc.)?
- What functions and services are the responsibilities of the government?
- How can changes be made in the structure and functions of local government without state approval? What changes, if any, have been made in the last ten years?

THE ORGANIZATION OF LOCAL GOVERNMENT

- How is local government organized? Who makes policy? Who administers authority?
- How many members are on the local government body? Are they elected or appointed? How often does this body meet? Are meetings open to the public?
- What are the powers and duties of this governing body?
- If a single executive officer has authority for administration, what is his or her title? Is he or she elected or appointed? To what extent do such officers initiate policy? Do they have veto power? Can they appoint, remove, or dismiss personnel?
- What local governmental departments are there? Which are headed by elected officials? Which by appointed?
- If there are advisory boards and/or commissions, what are their functions? To whom are they responsible? How are they selected? Do they report? How are their findings used?

REVENUES AND EXPENDITURES OF LOCAL GOVERNMENT

- What was the total income of your local government during the past year? What was the total income ten years ago? What has accounted for the change?
- What were the sources of income during the past year (local, state, federal)?
- What kinds of local taxes are collected (property, sales, income tax)? Have bonds been issued recently? For what purpose?
- What was the total cost of operating local government last year? What was the per capita cost? How does this compare to costs of comparable governmental units within the state? Have costs increased? Why or why not?

OPEN RECORDS

North Dakota Century Code 44-04-18.

- "1. Except as otherwise specifically provided by law, all records of public or governmental bodies, boards, bureaus, commissions or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be public records, open and accessible for inspection during reasonable office hours.
2. Violations of this section shall be punishable as an infraction."

OPEN MEETINGS

North Dakota Century Code 44-04-19.

"Except as otherwise specifically provided by law, all meetings of public or governmental bodies, boards, bureaus, commissions, or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be open to the public. The governing members of the above bodies, boards, commissions, agencies, or organizations meeting in violation of this section shall be guilty of an infraction for a first offense. A public or governmental body, board, bureau, commission, or agency meets in violation of this section if it refuses any person or persons access to such meeting, unless such refusal, implicitly or explicitly communicated, is due to a lack of physical space in the meeting room for the person or persons seeking access."

You have a right to attend public meetings and to offer your views, relevant information, and/or opposition--orally or in writing.

If you plan to attend an open meeting, you should be on time and:

Plan your remarks in advance and, if possible, have written copies of your comments available.

Plan on following the custom (although it is not absolutely necessary) of beginning your remarks by addressing the chairperson and giving your name and address, and why you are there. For example: "Mr. Chairman or Madam Chairwoman, my name is John Q. Public from Minto and ---"

Be brief. Do not repeat what others have said. The meetings are informal, so be conversational. Avoid being too technical.

Do not be nervous or worried about doing something wrong. There are no "rights and wrongs." Government officials are just your friends and neighbors who want to hear what you have to say.

Expect some questions and comments from meeting members. These questions are not designed to embarrass you, but merely to provide additional information.

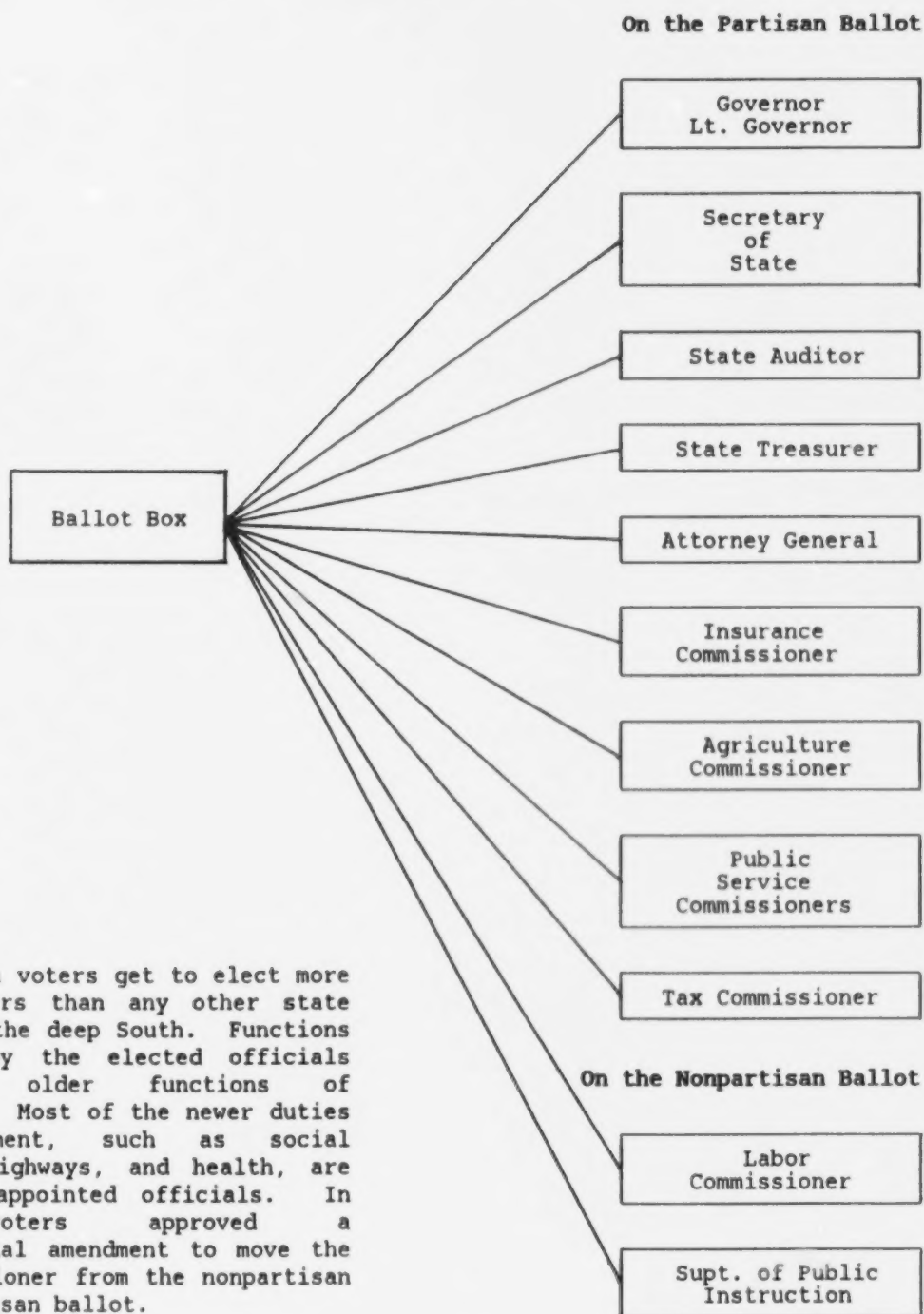
Avoid any clapping, cheering, booing or other demonstrations.

BACKGROUND INFORMATION

Executive Branch

Agency Descriptions

VOTERS ELECT STATE OFFICIALS



North Dakota voters get to elect more administrators than any other state outside of the deep South. Functions performed by the elected officials are the older functions of government. Most of the newer duties of government, such as social services, highways, and health, are headed by appointed officials. In 1986, voters approved a constitutional amendment to move the tax commissioner from the nonpartisan to the partisan ballot.

Taken from the 1987-89 Governing North Dakota and the Constitution of North Dakota, Lloyd Omdahl, Bureau of Governmental Affairs. University of North Dakota.



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Governor George A. Sinner (L) and Lt. Governor Lloyd Ondahl

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GOVERNOR AND LIEUTENANT GOVERNOR
Governor George A. Sinner and Lieutenant Governor Lloyd Omdahl

Qualifications for Office:

30 years of age
Qualified Elector
Must reside at the Seat of Government
Must have a minimum of five years residency in the state
Four-year term

OFFICE OF THE GOVERNOR

Introduction

As North Dakota's Chief executive, the Governor dictates the management style for most state agencies and serves as the chief policy maker and spokesman for North Dakota state government. While the Constitution makes the Governor responsible for the government of the state, it strictly limits his/her ability to be accountable and to exercise executive authority independently. This is achieved by decentralizing the Executive Branch of government. North Dakotans elect fourteen independent officeholders. They carry out the various programs of their offices according to their public mandate and the will of the people, not necessarily according to the will of the head of the Executive Branch--the Governor.

This makes being Governor of the State of North Dakota a difficult job. The Governor does not have complete authority over the Executive Branch or the administration of state government. However, the Governor does control fifteen key departments of government. These departments are:

Major Functions

Adjutant General

The Adjutant General is responsible for the supervision of all arms and military stores. He also supervises all branches of the state militia and organizes the state guard. He acts upon the instruction of the Governor who is commander in chief of the military forces of the state.

Banking and Financial Institutions

The Commissioner of Banking and Financial Institutions is responsible for the organization and regulation of all state financial institutions excluding the Bank of North Dakota. This department is charged with the responsibility of examining all financial institutions within its control and the Bank of North Dakota.

Economic Development Commission

The primary purpose of the Economic Development Commission is to formulate and direct a program of publicity, research, and agriculture and industrial promotion for the state of North Dakota. The agency serves as the central coordinating point and clearinghouse for activities and information concerning the resources and economy of the state. The agency acts as the state's official liaison between persons interested in locating business and industrial firms in North Dakota and local groups seeking such enterprises. It consists of two major divisions--industrial development and tourist promotion.

Game and Fish Department

Provides for the propagation, distribution, protection, regulation, and conservation of the state's game and fish. The department issues hunting and fishing licenses; establishes and manages fish hatcheries and game and management areas; enforces hunting and fishing laws; promulgates rules and regulations as deemed necessary for the welfare of the game and fish populations of North Dakota.

State Health Officer

The State Health Officer serves as the chief administrative officer of the Health Department, and hires such personnel as needed to meet department responsibilities. The Health Department's primary functions are organized into the following sections: 1) environmental control; 2) public health services; 3) supportive services.

Highway Department

The department is administered by a Highway Commissioner. The department is responsible for the planning, construction, maintenance and protection of the state highway system which includes over 7,000 miles of road. The department also enforces truck size and weight limitations and truck registration laws, administers the issuance of drivers licenses, and promotes highway safety. Under the Highway Commissioner's authority, the Drivers License Division is responsible for issuing photo drivers licenses and permits, maintaining records of driving violations, and suspending or revoking driving privileges when necessary. The driver testing function is not a part of this division but is handled through the Highway Patrol.

Highway Patrol

The members of the North Dakota Highway Patrol have limited powers as a peace officer. Generally, jurisdiction is limited to the state highway system except in certain specialized areas. Patrol officers are authorized the power of a peace officer on all state, charitable and penal institutions and on the state capitol grounds. In addition, the Patrol may exercise general police powers for all violations of law committed in their presence upon any highway, or when in pursuit of any actual or suspected law violation. The patrol is responsible for the enforcement of Public Service Commission motor carrier laws, rules and regulations, and for conducting all drivers license examinations in the state.

Department of Human Services

The Department of Human Services assumes the functions, duties, powers and control of the following agencies: 1) the Social Service Board, (including the Regional Human Service Centers); 2) the Governor's Council on Human Resources; 3) the Division of Mental Health and Retardation, (including the State Hospital); 4) the Division of Alcoholism and Drug Abuse; and 5) the State Council on Developmental Disabilities. The department assumes the role as the official state agency for the administration of federal, social and rehabilitation programs in the areas of community services, vocational rehabilitation, medical services, and economic assistance.

Office of the Director of Institutions

The following institutions and agencies are under the management of the Director of Institutions: 1) Grafton State School (until 1989); 2) Radio Communications System; 3) San Haven State Hospital; 4) School for the Blind; 5) School for the Deaf; 6) State Capitol and Grounds; 7) State Telecommunications System; 8) State Farm; 9) State Industrial School; 10) State Library Commission; 11) State Penitentiary.

The Director reports to the Governor on the operations of these institutions and agencies under his/her jurisdiction, submits legislative recommendations for their benefit and keeps an annual inventory of their permanent assets. The Director also maintains all state-owned buildings located on the Capitol Grounds and the grounds connected therewith.

Job Service

The Executive Director of Job Service administers four Job Service responsibilities: 1) Administrative Services Division. This division provides administrative support to the three program divisions of Job Service. 2) Employment Development Division. This division is responsible for the interpreting of legislation, federal regulations and program guidelines that are related to the JTPA funded programs and for the development of intra- and inter-agency agreements with these entities selected to carry out programs. 3) Employment Service Division. This division develops and monitors programs for the following services: (a) job placement, (b) employment counseling, (c) occupational testing, and (d) food stamp registration. It also develops programs of specialized services for veterans, the handicapped, older workers, youth, minorities, the economically disadvantaged, and migrant and seasonal farm workers. 4) Job Insurance Division. This division gathers wage information and collects tax contribution from employers subject to the North Dakota Unemployment Compensation law. It also pays weekly job insurance benefits as prescribed by law to unemployed workers that qualify.

Office of Management and Budget

The Office of Management and Budget is vested with the control and supervision of the fiscal administration of the Executive Branch of North Dakota state government, which it carries out through its divisions as authorized by law and the director. As established by statute, the Director of the Office of Management and Budget is ex officio director of the budget for the state. The Director of Management and Budget is responsible for the Division of Accounting and Payroll, Central Data Processing, and Central Personnel Division, Printing Division and Purchasing Division.

Motor Vehicle Department

The Motor Vehicle Registrar is the administrative head of the Motor Vehicle Department. The Motor Vehicle Department maintains certificates of registration and ownership of all motor vehicles, trailers, semi-trailers and snowmobiles; issues license plates; licenses vehicle dealers; adopts and enforces administrative rules and regulations; and designates agencies and branch offices as required to carry out the official duties of the Department. The Registrar is also North Dakota's representative for the vehicle equipment safety compact.

Parks and Recreation Department

The Parks and Recreation Department is responsible for the operation and maintenance of the entire North Dakota park system. The Parks and Recreation Department also obtains, maintains, manages, and restores land in its natural conditions under the Nature Preserves Program authorized by North Dakota Century Code, Chapters 55-11.

Securities Commissioner

The major role of the Securities Commissioner is to protect the investing public in North Dakota. The Commissioner regulates all securities offered and sold in this state, as well as the salesmen and companies dealing with these securities of requiring compliance with the statutory registration process. The Commissioner also conducts investigations on, issues cease and desist orders against, brings injunctive civil actions against, and brings criminal actions against violators of the state's securities law.

Workers Compensation Bureau

The Bureau consists of three commissioners appointed by the Governor for six year terms, with one to represent employers, another the public and the third labor. As administrator of the North Dakota Workers Compensation laws, the Bureau collects premiums from employers in the most fair manner and adjusts rates for each category of jobs to provide sufficient funds to pay for job-related injuries and illnesses. The Bureau provides workers compensation for eligible injured employees; cooperates in making arrangements for rehabilitation of persons injured on the job; inspects businesses for compliance with safety rules and regulations, classifies employment with respect to degree of hazard, and determines risks involved in the various classifications. The Bureau also administers the Uniform Crime Victims Reparations Act, North Dakota Century Code Chapter 65-13. This legislation provides compensation to innocent victims of criminal attack who are not adequately covered by insurance.

The State's Chief Executive appoints the members of some 130 boards, commissions and agencies that control or influence other areas of public policy. Among the many state commissions chaired by the Governor are the Economic Development Commission, Capitol Grounds Planning Commission, the Emergency Commission, the Indian Affairs Commission, the Industrial Commission, Investment Board, State Water Commission, Board of Equalization and the Pardon Board. In conjunction with the Board of Pardons, the Governor has authority over such matters as extradition, pardons, reprieves, and communications of sentences, except in cases of impeachment or treason.

Besides boards, commissions and task forces initiated by the legislature, the Governor has the authority by executive order to create boards and commissions and task forces.

By executive order the Governor has the authority to issue emergency disaster directions to aid in disaster relief, quell riots and maintain peace when necessary.

The Governor also has authority by executive order to assign responsibility to the Lieutenant Governor such as chairing boards and commissions, delegated to the Governor by law. The Governor also has the authority to rescind executive orders made by a previous governor.

The job of Governor requires a complex blend of talents and skills. First of all, the Governor is an administrator with control over much of the state's budget. Secondly, the Governor is a coordinator. The influence of the position allows the Governor to bring various groups and individuals together, encouraging them to work together for a common goal.

The Governor is a manager, with responsibility for personnel and the operation of agencies under his control. He/she commands the state's militia, or the National Guard, when they are not in the service of the federal government. He/she is also the state's ambassador to other states and, in many cases, to foreign governments.

The Governor is an active participant in the legislative process. The Governor has a responsibility to develop and submit to the legislature prior to the beginning of the session an executive budget. This important document outlines the Governor's recommendations for the operation of state government. It includes suggested funding levels for state government programs and, if necessary, recommendations for tax increases for needed government services. The executive budget usually becomes the blueprint for government spending. While it is only a starting point and it is subject to legislative review, change and approval, it can have a significant influence on policies and programs by bringing needs, benefits, issues and potential conflicts to light.

The Governor has another influential method of focusing attention on his/her priorities. At the beginning of each legislative session, he/she is charged by the Constitution with communicating to the Assembly the condition or state of the state, recommending such measures as he/she shall deem expedient. These two procedures are the Governor's formal methods of formulating and communicating proposals for public policy. Once the legislature is in session, the Governor helps provide information from the agencies of the executive branch on bills being considered.

Inasmuch as most of the programs enacted by the legislature are carried out by agencies in the executive branch, this information and cooperation can be invaluable.

The Governor also has the authority to sign bills into law, or if he/she feels the bill is not in the best interest of the state, he/she can veto it, sending it back to the House where it was first introduced. The legislature can override the veto with a two-thirds vote in each house. The Governor may also express his/her displeasure with the bill by leaving it on the desk. If the Governor has neither signed or vetoed a bill after three days (excluding Sunday) it becomes law without his/her signature. If the legislature adjourns and the Governor has several bills to act upon, he/she has fifteen days to take one of three actions: sign it, veto it, or leave it on the desk whereupon it automatically becomes law.

The Governor of North Dakota also has the power of "line item veto." This allows the Governor to veto a part of an appropriations bill, while letting the rest remain as it was. This also allows the Governor to influence spending for individual items or programs, and diminishes the legislature's ability to "jackpot" appropriations. The Constitution strictly prohibits the Governor from threatening or implying the use of a veto. This is designed to minimize the Governor's influence on the legislative process.

The Governor's role, like that of the entire executive branch, is one of communication, coordination and cooperation. The Governor definitely holds a leadership role in defining the condition and priorities of the state both through the executive budget and the State of the State message. When added to the veto power, these functions make the Governor an important participant in the legislative process.

Submitted by the Office of the Governor

OFFICE OF THE LIEUTENANT GOVERNOR

The Lieutenant Governor is elected for a four-year term on a joint ballot with the Governor. The Lieutenant Governor is the presiding officer of the Senate and votes only in the case of a tie. Frequently, he/she is called upon to represent the Governor at state and public functions. Anytime the Governor travels beyond the state's borders, the Lieutenant Governor becomes acting Governor with full executive authority. In case of death or resignation, or any other time the Governor is unable to perform his/her duties, the Lieutenant Governor assumes the position of Chief Executive.

At present, the Lieutenant Governor has been assigned responsibility to serve as chair of the Board of Equalization, the Capitol Grounds Planning Commission, the Investment Board, the Children's Services Coordinating Committee, the Policy Action Committee for Community Development Block Grants, and the Yellowstone-Missouri Confluence Commission. Often, the Lieutenant Governor substitutes for the Governor in handling other executive duties, such as chairing other meetings, giving speeches, and greeting visiting delegations.

Submitted by the Office of the Governor



SECRETARY OF STATE
Ben Meier

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term

SECRETARY OF STATE

Introduction

The secretary of state is one of few state officials, executive or judicial, whose office was established by the Organic Law of March 2, 1861 providing for government of the Territory of Dakota. The secretary of the territory was appointed by the President of the United States.

The Constitution of North Dakota, adopted October 1, 1889, has since provided for the election of the secretary of state. In addition, the constitution provides for specific duties under Article III, Powers Reserved to the People; under Article V, the Executive Branch; and under Article IX, Trust Lands. Almost 500 specific statutes and about a dozen legislative rules further provide for duties that must be completed by the secretary of state. The duties, as assigned, have been briefly summarized by functions below. The following includes statistical and fiscal data of the office.

Major Functions

CONTRACTOR LICENSING. The secretary of state's office administers the contractor licensing law. The office processes all documents including the application, bond, and workmen's compensation statement. Four classes of licenses are issued based upon the value of each contract the contractor will be completing. Each licensed contractor must renew their license by February first each year for a fee equal to twenty percent of the original license fee. Contractors who fail to renew their license by the deadline may renew their license up to May first by paying the renewal fee and a penalty fee. No licenses can be renewed after May first.

CORPORATIONS. The secretary of state reviews and processes proposed articles of incorporation or applications for certificate of authority submitted for domestic and foreign corporations, domestic and foreign nonprofit corporations, and domestic and foreign cooperatives, and professional corporations to assure the propriety and protection of the public interests according to law. This division also reviews and processes documents for: state banks, state credit unions, lodges, fraternal organizations, churches, mutual aid cooperatives, electric cooperatives, telephone cooperatives, regional airport authorities, insurance companies, savings and loan associations, investment trust companies, irrigation district authorities, vector control districts, city letters patent or incorporation of the cities, city home rule charters, county home rule charters, municipal power agencies, limited partnerships, fictitious name certificates, trade names, trademarks, soil conservation districts, cooperative grazing associations, emergency housing corporations, building and loan associations, and farm corporations.

UNIFORM COMMERCIAL CODE. The secretary of state reviews and processes uniform commercial code filings and related documents which protects collateral of secured parties, (banks or lending agencies) covered by the papers; files states tax liens against personal property and federal tax liens against individuals, partnerships, or corporations.

Such filings are terminated when requested by the second party. Financing statements are effective for five years and can be continued for five year periods indefinitely. Financing statements that have expired and not continued are pulled from the files according to law. Individuals can request information on any or all financing statements on file concerning any debtor.

ELECTIONS. The secretary of state serves as the state's chief election officer. The major duties include:

1. Certify to county auditors the state, district, and county officials to be nominated or elected in the primary, general, or special elections.
2. Receive and file nominating petitions of candidates for state office.
3. Receive and file certificates of nomination or certificates of endorsement for congressional or state office candidates.
4. Certify to county auditors the names of candidates to be on the ballot for the primary, general or special elections.
5. Process and certify constitutional, initiative and referral petitions. The secretary of state must approve the petitions as to form before the petitions are circulated. Upon receipt of the filed petitions, the secretary of state has thirty-five days to approve the petition question for ballot placement. During that time, postcards are sent to the petition signers, or phone calls may be made, to validate the signatures.
6. Certify the complete text and ballot wording of constitutional, initiated, or referred measures that are to be placed on the ballot.
7. Send to the county auditor the forms needed to submit the official county election results to the secretary of state.
8. Receive and compile the county official abstract of votes for canvass by the state canvassing board.
9. Receive and compile the county expenses and statistical reports.
10. Convene the state canvassing board within seventeen days after each election to certify the official results of the election.
11. Send Certificates of Nomination to each person nominated for various offices in the primary election.
12. Send Certificates of Election to persons declared elected by the state canvassing board for state, judicial district, legislative district, congressional, or soil conservations districts.
13. Publish the official election results in the Bismarck Tribune.
14. File oaths of office of state officials, judicial and legislative office holders.
15. Develop and implement training programs for all precinct election officials in the state.

16. Prepare voting information guidelines for voters.
17. Convene an annual state election conference for county auditors to discuss uniform implementation of state election laws and policies.
18. Publish and distribute to each county an election calendar, a manual on election procedures, and maps of all election districts.
19. Investigate nonperformance of duties or violations of election laws by election officials.
20. Require reports from county auditors on election matters as deemed necessary.
21. Establish accounting procedures designed to show all election expenditures incurred by the state and counties.
22. Prepare and publish biennial reports on the conduct and costs of elections in the state, including expenses and statistics.
23. Establish standards for all election machinery, locations, and supplies, including but not limited to ballots, wrappers, seals, stamps, ballot boxes, pollbooks, tally sheets, reports, voting machines, electronic voting systems, and voting places.
24. Prepare a statement concerning the accessibility of voting places in each county in the state.

CAMPAIGN DISCLOSURE REPORTS. Process all campaign disclosure reports for candidates for state office or their campaign committees, for political parties, and for political committees. This may include income and expenses.

STATEMENTS OF INTEREST. File statements of interest for candidates of statewide elective office, excluding congressional candidates, and of the governors appointees. The persons must list principal occupations; financial interests in businesses, trusts, associations, or other institutions with whom closely associated; and names of business offices or directorships held in the past year.

CHARITABLE SOLICITATION LICENSURE. The secretary of state licenses charitable organizations soliciting money, pledges, or property of any kind or value in North Dakota; investigates the financial responsibility, experience, character, and general fitness of all applicants, and file annual reports of licensed charities showing total monies collected and expended by those organizations.

ATHLETIC COMMISSIONER. The secretary of state supervises professional boxing and sparring exhibitions in the state. Boxers, managers, referees, ring announcers, and promoters are licensed. The licenses expire after one year.

LOBBYIST REGISTRATION. The secretary of state registers lobbyists who attempt to influence legislation directly or indirectly in any way; files applications, letters of authorization of those firms the lobbyists represent, and an annual report. The office provides a list of lobbyists to the chief clerk of the house and the secretary of the senate on or before the thirty-fifth legislative day.

NOTARY COMMISSIONS. The secretary of state appoints notaries public in each county of the state to six year terms, retains all papers filed by the notary applicant, and sends out forms when the commissions are about to expire so the notary can seek reappointment. Notaries have power and authority statewide to administer oaths, perform certain official acts, and give official recognition and authenticity to acts and documents executed in their presence.

ABSENT PERSONS MINERAL OR ROYALTY INTERESTS IN LAND. The secretary of state registers post office address of persons who own mineral, lease or royalty interests on land in North Dakota.

INTERNATIONAL WILLS. The secretary of state registers and preserves international wills of citizens for later execution and disposition according to law.

FACSIMILE SIGNATURES. The secretary of state files documents containing signatures of state officials, certified by that officer under oath, that the signature is their own and can be used for facsimile purposes for official state business.

FEDERAL CENSUS REPORTS. The secretary of state compiles federal census reports on state, county, city, and township populations.

FEDERAL ELECTION REPORTS. The secretary of state compiles, under federal law, monthly, quarterly, annual, pre and post election reports for: all candidates for president or congress, their principal campaign committee or authorized committees, political party campaign committees, and political action committees representing various organizations that support candidates for office.

PUBLIC MEETINGS. Upon request by the public, notices of public meetings of state agencies, boards, and departments will be filed in the office of the secretary of state.

SERVICE OF PROCESS. The secretary of state completes service of process, or legal papers, on domestic and foreign corporations, non-profit corporations, cooperative associations, or limited partnerships when such businesses fail to appoint or maintain a registered office or registered agent. The secretary of state serves as agent for service of process for out-of-state contractors, workmen's compensation, out-of-state chemical applicators, out-of-state mineral emplorers, carnivals, fairs, circuses, or other out door shows in the state, savings and loan associations, building and loan associations, geophysical exploration companies, and the state fair association. The office keeps a record of all processes, demands, or notices and charges a fee for such service.

LEGISLATIVE DUTIES. The secretary of state serves as custodian of the original documents of the state, including the constitution, and the original copies of all laws and resolutions introduced in the legislative assembly and other records. Duties assigned by the legislative assembly include:

1. Certify the names of all persons to whom certificates of election were issued to each house of the legislature.
2. Retain two sets of the legislative journals of each house, certify their receipt, and forward the remaining journals as decided by legislative rule.

3. Receive, record, and store all books, bills, resolutions, documents, and papers of each house of the legislature.
4. Provide lists of registered lobbyists to each house.
5. Provide to members of the legislative assembly all public documents as provided by law including the North Dakota Century Code and supplements, session laws of the last legislative session, journals of the last session, latest Blue Book, and the North Dakota Administrative Code and supplements.
6. Provide to the legislative assembly or its committees public documents as requested.
7. Distribute laws, resolutions, or other documents of the legislative assembly.
8. Perform such other duties as may be assigned to the secretary of state by the legislative assembly.

ADDITIONAL DUTIES

1. Keep the enrolled copy of the original state constitution.
2. Keep the acts and resolutions of the legislative assembly until the law allows transfer to the historical society.
3. Preserve and supervise the use of the Great Seal of the state of North Dakota.
4. Keep all books, records, deeds, parchments, maps, and papers deposited in the secretary of state's office.
5. Affix the Great Seal with the secretary of state's attestation to commissions and other public instruments to which the official signature of the governor is required.
6. Keep a registry of and attest to the official acts of the governor including filing proclamations, appointments, executive orders, extraditions and writs.
7. Record all conveyances made to the state.
8. File receipts for all books distributed by the secretary of state and direct county auditor's to do the same.
9. Keep a fee book for all fees, commissions, and compensation earned, collected, or charged.
10. Furnish certified copies of all and any part of any law, record, or other instrument filed, deposited, or recorded in the secretary of state's office.
11. Complete and forward a biennial report to the governor of office duties completed and moneys received and expended.

12. Keep a registry of cities.
13. Serve as governor if there is a vacancy in the office of governor and lieutenant governor, or if both have left the state.
14. Files oaths of office and statements of interest of governor's appointees.

Central Notice System Division
Established: 1985

The state legislative established a state central notice system which allows lending agencies to file notice that a person or business has borrowed money to raise crops or livestock. The notice gives the name, address, social security number, county of residence, and legal description and location of the farm product. It also shows the name and address of the lending agency. A monthly alphabetized list is generated by computer and printed on microfiche lists showing all notices on file in the secretary of state's office. The list can be purchased by anyone including private parties, banks, grain dealers, elevators, livestock arenas, or governmental agencies. A new computer program allows notice of statutory liens to be filed with a separate microfiche list to be produced. The statutory liens are classified as agricultural processor's lien or agricultural supplier's lien. Again the list can be purchased by interested parties.

Public Printing Division

The secretary of state is responsible for working with the legislative council to compile, authenticate, publish, distribute, and store all publications of law of the state of North Dakota including the biennial session laws of North Dakota, North Dakota Century Code and replacement volumes and supplements, North Dakota Administrative Code and supplements, legislative assembly house and senate journals, Blue Book, and Constitution of the state of North Dakota, distribute the above to: members of the legislative assembly; state constitutional officers; judges of the supreme court and district court; state departments, boards, or agencies; legislative assembly officer; and county officers as required by law. The secretary of state also sells publications of the session laws, administrative code, and Blue Book.

Boards and Commissions

BOARDS AND COMMISSIONS. The secretary of state serves as a member of:

1. The state canvassing board to canvass state, judicial and legislative districts, and congressional election results after all statewide or special elections.
2. The board of university and school lands which has full control of the selection, management, appraisal, rental, sale, or disposal of public land

and full control of the proceeds from the rental, sale, or lease of that land.

3. The emergency commission which votes to allow line item transfers of appropriations to state agencies, extends emergency monies to agencies, and accepts new federal funds for state agencies.
4. The state historical board as an ex-official member to protect state interests regarding moneys, collections, and acquisitions of the historical board.
5. The board for trial of presidential electors as clerk of the board.
6. The Theodore Roosevelt Roughrider Award where selections are made for the award and all records of the recipients are kept by the secretary of state.
7. Chairman, State Horse Racing Commission

Submitted by the Secretary of State



STATE AUDITOR
Robert Peterson

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term

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STATE AUDITOR

Introduction

Section 82 of the Constitution of North Dakota has established the Office of State Auditor. The duties of the Office have been set forth by the North Dakota Legislative Assembly in Chapter 54-10 of the North Dakota Century Code.

The State Auditor's Office has three general goals:

1. To assure the people that state and local government costs are properly safeguarded.
2. To promote more efficient management in state and local government.
3. To present post audit reports of state and local government agencies, which may include to varying degrees the financial status, management efficiency and program effectiveness information that would be useful to the Governor, the Legislature and local governing boards in making policy decisions.

Major Functions

The State Auditor performs a post audit, or arranges for a post audit by a private firm, of all state agencies, including Colleges and Universities. If the agency receives federal funds, the audit must be performed at a minimum of once every two years.

The State Auditor conducts a post audit of all political subdivisions once every two years. Political subdivisions include cities, counties, schools, parks, libraries, airports or any entity that receives public money. If the political subdivision so chooses, it can hire a private accounting firm to conduct the audit under guidelines established by the State Auditor. School districts with less than 100 pupils, cities of less than 300 people, and all other political subdivisions with less than \$50,000 annual receipts can file an annual report with the State Auditor, in lieu of a post audit.

The State Auditor's Office also audits oil and gas receipts from sales on federal lands in North Dakota. Expenses are paid by the Federal Government as it receives one-half of the proceeds paid on the mineral leases.

Boards and Commissions

The State Auditor serves as a member of the Tax Equalization Board and as an advisory member of the Public Employment Retirement Board.

Submitted by the State Auditor



STATE TREASURER
Bob Hanson

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term

Only office limited to two consecutive terms in office

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OFFICE OF STATE TREASURER

The State Treasurer is a Constitutional officer of the state and it is the only office where the individual is limited to serving two consecutive terms.

Introduction

The State Treasurer receives and keeps all money of the state except as otherwise provided; disburses public money upon warrants lawfully drawn; maintains custody of the permanent fund; is custodian of securities of the state; has charge of copyrights; collects beer and liquor taxes; and regulates manufacturing and wholesale segments of the alcohol beverage industry. The primary divisions of the Treasurer's Office and their functions are as follows:

Accounting and Receipting: Maintains accounting records and receipts all income daily. Oversees signing of state warrants which is done by machine. Oversees investment of state money other than trust funds.

Securities and Investment: Records all transactions relative to securities held or owned by the state. Provides support for the State Investment Board.

Alcohol Beverage Control: Collects alcohol beverage taxes and reconciles collections with manufacturers' reports, issues wholesaler licenses, reviews promotional programs and works with the wholesaling and manufacturing/supplier segments of the industry relating to state laws.

Administration: Coordinates interdepartmental activities.

Major Functions

The state of North Dakota has one legal depository for state funds--the Bank of North Dakota--which is owned and operated by the state. This bank is the fiscal agent for the state and manages state trust funds.

Excess funds are invested within the Bank of North Dakota. General fund and certain special fund moneys are invested by the State Treasurer in certificates of deposit, money market demand accounts, and interest-bearing checking accounts, with rates being determined by negotiation. Moneys under the control of the State Investment Board may be invested under the prudent investor rule. The Treasurer is solely responsible for the investing of the Veterans' Postwar Trust Fund, the 10 agriculture commodity groups' funds, game and fish funds and the veterans' revolving aid loan fund.

Inasmuch as the Bank of North Dakota is a state-owned institution, there are no collateral requirements.

Tax Collection and Distribution

The State Treasurer is responsible for collection of alcohol beverage taxes and air transportation taxes. In addition, the Treasurer has responsibility for distributing the following to local subdivisions of government: Highway Tax, Coal Severance Tax, Estate Tax, Coal Conversion Facilities Tax, Cigarette Tax, Oil and Gas Gross Production Tax, Homestead Tax Credit, Personal Property Replacement Tax, State Revenue Sharing, Township Highway Aid Fund, Oil Extraction Tax, Transmission Lines Facilities Tax, City Lodging/Restaurant Tax, City Occupancy Tax, City Sales Tax, Airline Tax and Flood Control Distribution.

Boards and Commissions

The State Treasurer serves as a member of the following entities by law: Board of Tax Equalization, State Historical Board, State Investment Board, State Canvassing Board, Teachers' Fund for Retirement Board, and the Board of University and School Lands. The current Treasurer serves as Vice Chairman of the State Investment Board. In addition, the current Treasurer serves as Chairman of the National Conference of State Liquor Administrators' (NCSLA) Task Force on Military Procurement. He also represents NCSLA on the National Coalition on Alcohol Beverages Procurement. He is serving his second term as Chairman of the Midwest Region of the National Association of State Treasurers (NAST) and is a member of NAST's executive committee. He is also serving as a member of the first legislative committee of NAST.

Submitted by the State Treasurer



ATTORNEY GENERAL
Nick Spaeth

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term

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OFFICE OF THE ATTORNEY GENERAL

Introduction

The Attorney General occupies a position in state government created by the North Dakota Constitution at Article V, Subsection 12. The Attorney General is the principal law enforcement officer of the state, and is the legal representative of the liberties and interests of the people of North Dakota. The Attorney General has the power to institute, conduct, and maintain suits and proceedings necessary for the enforcement of laws of the state and the protection of public rights.

The Attorney General is responsible for a vast array of legal and administrative duties in state government, ranging from representing the state of North Dakota in various legal actions, to administration of several departments and divisions of state government. The Attorney General also represents the state on numerous boards and commissions.

Major Functions

The legal responsibilities of the Attorney General are the largest component of his or her duties. The Attorney General must:

1. Represent the state in all cases in which the state is interested as a party;
2. Institute and prosecute any actions and proceedings in favor of the state which may be necessary for the execution of duties of any state officer;
3. Appear and defend actions and proceedings brought against any state officer for performing duties in his/her official capacity;
4. Assist in criminal prosecutions when the interests of the state require it, and advise state's attorneys in matters relating to the duties of that office;
5. Consult and advise the governor and other state officers and provide written opinions on legal or constitutional questions relating to the duties of those offices;
6. Provide written legal opinions when requested by either branch of the Legislative Assembly;
7. Give written opinions when requested by the governing body or city attorney of any city in North Dakota; and
8. Defend and enforce the federal and state constitutions whenever justice requires it.

The North Dakota Attorney General has divided the administration of his/her duties by creating five divisions or units within the office to perform legal

and administrative duties, and to handle licensing responsibilities. A description of those five divisions and the general responsibilities allocated to each will describe the role of the Attorney General as it affects the state and the people of North Dakota.

General Counsel Division

The General Counsel Division handles the preparation, coordination and distribution of a broad range of legal services to state agencies, including preparation of Attorney General opinions and letter responses. When attorneys assigned to this section become involved in litigation, they may coordinate their activities with the criminal division or the solicitor general, as appropriate.

During the North Dakota legislative session, responsibility for opinions and legislation is handled within the General Counsel Division. The Office of Attorney General monitors activity of the legislature, informing the committees of the probable impact of various pieces of legislation on state government, and on the people of North Dakota. The Attorney General's office participates in drafting and introduction of legislation needed to improve statutory law in North Dakota.

Every state official, department of state government, and state board or commission is provided legal counsel by the Attorney General.

Assistant attorneys general are assigned full time to represent elected officials including the Tax Commissioner, the Public Service Commission, and the Insurance Commissioner and to represent appointed state officials, including the Health Officer, the Worker's Compensation Bureau, the Board of Higher Education, the Department of Human Services, the Highway Department, Job Service, and the Securities Commissioner.

Altogether, approximately 45 assistants are employed to assist with the multitude of legal responsibilities of the Attorney General.

Criminal Division

The Criminal Division of the Office of Attorney General is responsible for legal duties involving law enforcement, and providing legal advice and assistance to state's attorneys. The Attorney General handles criminal prosecutions where a state's attorney has a conflict of interest in the case, or where the interests of the state warrant prosecution of a case.

The Bureau of Criminal Investigation, a division of the Office of Attorney General, assists the U.S. Department of Justice and the parallel departments in other states with criminal identification and investigation. The Bureau is the depository for criminal history record information. Legislation passed in 1987 established that all criminal history records will be computerized for access by law enforcement 24 hours a day.

This program will facilitate criminal arrest and prosecution in the state.

Regulatory Division

The Regulatory Division is responsible for the enforcement and application of all laws dealing with the regulation of various industries, occupations, and professions in North Dakota as well as those laws involving consumer protection and antitrust. The Attorney General handles legal matters involving: gaming, consumer fraud, licensing, and professional boards.

Gaming

Charitable gambling is permitted in North Dakota by provision of North Dakota Century Code chapter 53-06.1, which was adopted in 1977. There are numerous statutes and administrative rules that control games of chance in the state and the Attorney General's Gaming Division is responsible to license, monitor, and promulgate these rules relative to gaming operations.

Consumer Fraud and Antitrust Division

The Consumer Fraud Division of the Office of Attorney General is the only consumer protection agency in the state. A toll free number allows consumers to call into the Consumer Fraud office to inquire about businesses operating in the state and to register a complaint if any company operates contrary to the laws of North Dakota. The unit acts to enforce the consumer fraud laws of North Dakota and brings legal action against any person using a deceptive act or practice in connection with the sale or advertisement of merchandise. Consumer Fraud cooperates with other national, state, or local consumer agencies, and enforces antitrust laws.

The Attorney General has broad powers in the area of consumer fraud, giving him/her a decisive and positive role in consumer affairs in North Dakota. He/she can invoke the remedies of injunction, prohibition, and restitution of funds lost by a consumer, to regulate and monitor sales standards in North Dakota.

Licensing Division

The Attorney General is responsible to provide all licensing regulations for retail alcoholic beverages, coin-operated amusement devices, polygraph operators, the State Fair Board, the retail and wholesale tobacco licenses. The Attorney General also regulates and licenses transient merchants in the state of North Dakota. This licensing requirement insures that no company can do business on a short-term basis in this state unless it has prior approval of the Attorney General.

Professional and Occupational Boards

The Attorney General represents general fund boards, including the Board of Barber Examiners, the Board of Chiropractic Examiners, and the Board of Hearing Aid Dealers. The Attorney General handles any legal work related to other boards including the State Board of Examiners and Registration of Architects, the State Board of Dentistry, the State Board of Hair Dressers and Cosmetologists, the State Board of Pharmacy, and the State Board of Veterinary Examiners.

Solicitor General Division

The Solicitor General Division is responsible for the overall coordination of all civil litigation and all civil appellate cases involving or affecting the State of North Dakota. The Solicitor General is responsible to oversee these cases and to keep the Attorney General apprised of the status of each case. The Solicitor General is also responsible for reviewing requests to join as amicus (friend of the court) in cases in federal and state courts, especially the United States Supreme Court.

Special Projects Division

The Special Projects Division handles special litigation matters of primary interest to the Attorney General and to the State of North Dakota. Chief among these has been litigation involving the rights and protections of North Dakota farmers facing bankruptcy and foreclosure.

The Office of Attorney General is a "service office" and the objective is the protection of the state's legal interests and the assistance of various state officers and agencies in performing their duties and responsibilities, as well as protecting the constitutional rights of individual North Dakotans.

Boards and Commissions

The Attorney General is a member of numerous boards and commissions, including: Board of Pardons, Board of University and School Lands, Controlled Substances Board, Industrial Commission (which oversees all state owned industry), Judicial Council, Indian Affairs Commission, Commission on Medical Competency, and Children's Coordinating Cabinet.



INSURANCE COMMISSIONER
Earl Pomeroy

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term

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COMMISSIONER OF INSURANCE

Introduction

The Insurance Commissioner is responsible for the regulation of the insurance companies and agents doing business in the State of North Dakota. Included in these duties is the authority to interpret and apply the laws dealing with the insurance industry and to aid policyholders in receiving fair treatment during disputes. In addition the Commissioner must license, supervise, and examine companies for business conduct and financial stability. Both the State Fire and Tornado Fund, which provides property insurance coverage for political subdivisions, and the State Bonding Fund, which provides blanket bond coverage for public employees and officials, are administered by the Commissioner. The Unsatisfied Judgment Fund is also under the jurisdiction of the Insurance Commissioner.

Major Functions

The Insurance Commissioner's primary function is the regulation of insurance companies and agents doing business in the State of North Dakota. Along with company licensing, the Commissioner requires that companies submit annual statements of their financial condition and a general summary of business transacted in the previous year. Each year an abstract of statement is required. This report is published in the official newspaper of each judicial district in which the company does business. Upon yearly review, license renewal may be withheld if a company can not prove its public financial responsibility.

The Commissioner cooperates with other state insurance departments in the regulation and financial examination of companies nationally through the National Association of Insurance Commissioners (NAIC). An exchange of insurance laws and regulations is encouraged on a national level to help states develop better and more uniform laws in the business of insurance regulation.

All companies (except fraternal) are subject under state law to a gross premium tax. The current tax rate, effective July 1, 1987, for life insurance companies is two percent and one and one-quarter percent for accident, property and casualty companies. All premium tax revenue is collected by the Insurance Department and is deposited into the state's general fund.

The Commissioner licenses both resident and non-resident agents. Resident agents must pass an examination that assesses entry level competency and thereafter, licenses may be renewed annually in accordance with the law. Agents are required to take both pre-license and continuing education courses. The Insurance Department has the responsibility of approving instructional courses for educational credit and for monitoring compliance with the continuing education requirements. Fees from agents and companies, including reimbursement for examination costs, are deposited in the Insurance Regulatory Trust Fund.

Policy forms and rates are required to be filed with the Department of Insurance for review. All policies must be approved before companies can sell them in North Dakota. This protects the North Dakota consumer from unfair forms or excessive rates and assures that all policies are in compliance with North Dakota statutes and regulations.

The Consumer Complaint Division of the Insurance Department aids policyholders in receiving fair treatment from the insurance industry. Complaints are centrally received through the mail and a toll-free consumer phone line and are routed to the appropriate investigator for resolution. Upon discovery of violations of law or administrative rule, an administrative hearing is held and penalties may then be applied by the Commissioner.

The Commissioner also manages the North Dakota State Fire and Tornado Fund and the State Bonding Fund. The Fire and Tornado Fund provides low cost property insurance coverage for political subdivisions. The Bonding Fund provides blanket bond coverage for public employees and all public officials.

The Unsatisfied Judgment Fund is also administered by the Insurance Commissioner. The Fund was established by the 1947 Legislative Assembly as one of the last resorts of protection for residents of North Dakota against financial hardships caused by irresponsible, uninsured judgment-proof drivers. The Fund allows recovery by a resident who obtains a state court judgment against another person for damages resulting from bodily injury or death caused by a motor vehicle accident.

Boards and Commissions

MEMBER: State Investment Board, State Commission on Medical Competency.

Submitted by the Insurance Department



AGRICULTURE COMMISSIONER
Kent Jones

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term

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COMMISSIONER OF AGRICULTURE

Introduction

The North Dakota Department of Agriculture was originally part of the Department of Agriculture and Labor, established by Section 82 of the North Dakota Constitution approved in the year 1889. After its creation the department's primary function was the collection of agricultural statistics such as crop yields and labor force.

In 1965 voters approved a constitutional amendment which provided for a separate Department of Labor, thereby making the Department of Agriculture and Labor simply the Department of Agriculture.

Responsibilities of the Commissioner of Agriculture include: formulation of policies for operation of the department; dissemination of information concerning agricultural issues to the governor, members of the legislative assembly, and the public; assumption of a leadership role in formulation of policies affecting the direction of the state's farm industry; and advocacy of farmers' needs on the state and national levels.

Major Functions

The administrative division provides services for the seven major divisions of the agriculture department: budgeting, accounting, personnel services, communication, research, liaison with other government agencies, and coordination of all division efforts.

Agriculture is in a critical stage of development. High interest rates and low commodity prices have created a financial squeeze for farmers. Changing federal farm policy, pending rail abandonments and other transportation problems; and natural variables such as drought, blackbird depredation, and noxious weed problems place additional pressure on the state ag initiative.

- The commissioner supports financing programs through the Bank of North Dakota to aid farmers, ranchers, and ag-related businesses. The commissioner has maintained loan programs for beginning farmers, and has established an interest buy-down program for farmers and ranchers. These efforts are pursued both as a member of the Industrial Commission and through legislation.
- The "Pride of Dakota" logo was developed as a marketing tool for North Dakota producers, processors and manufactures. Those who meet eligibility requirements may use the logo for a fee to make their products identifiable to consumers as "home-grown." Use of the logo is now overseen by a private committee.
- Marketing North Dakota's agricultural products is a top priority. The Industrial Commission has begun implementation of an export trading company, to be located at the North Dakota Mill and Elevator in Grand Forks. Producers need expertise in both foreign and domestic marketing, export

finance, and transportation. An ETC could provide these services to producers while working on market development.

- The commissioner leads a program to educate the public about the leafy spurge problem. Heightened awareness has led to an increased appropriation for leafy spurge control. Excellent cooperation between county weed boards and the agriculture department has strengthened the leafy spurge control program. Currently, the department is working with Montana, South Dakota and Saskatchewan to research biological controls of leafy spurge.
- The commissioner chairs a continuing task force which studies blackbird depredation of sunflowers.
- The commissioner pursues the development of irrigation and chemigation as stable and ecologically sound crop production techniques. These efforts are made in cooperation with the NDSU Extension Service and Experiment Station.
- The State Intermodal Transportation Team, of which the commissioner is a member, focuses attention on rail branch lines targeted for abandonment when the branch lines are necessary to maintain a statewide transportation system.
- The commissioner has begun computerization of certain department functions, in an effort to make information more accessible to the public. Examples include bee maps, registration of livestock brands, and dairy information.
- The Northern Crops Institute was established through a unified effort by farm organizations. NCI plays a vital role in fostering continued cooperation of farm commodity and agri-business organizations. The commissioner serves on the Northern Crops Council.
- In 1983 the commissioner established the Centennial Farm Award Program. Families which have retained ownership of their farms for 100 years or more are eligible for recognition as centennial farmers. The families receive certificates, signed by the Commissioner, congratulating them on such a tremendous achievement in these unstable times for agriculture.
- In 1983 the commissioner organized the Ag Coalition, a lobbying organization with members representing ag-related interests. During the 1985 legislative session, the Ag Coalition had approximately 35 members, including representatives of commodity groups, farm organizations and agri-business representatives. The Ag Coalition has two co-chairmen. One representative of each of the following categories--row crops, grain, and livestock--comprise the three remaining directors. The department serves as secretary/treasurer in an ex officio capacity.
- Chapter 4-37, sections one through five, establishes an Agriculture in the Classroom program to promote an understanding of North Dakota's agricultural economy and rural lifestyle. The commissioner of agriculture serves on the Ag in the Classroom Council, and appoints ten council members.

Duties and Responsibilities

Section 83 of the North Dakota Constitution states that the powers and duties of the commissioner of agriculture "shall be prescribed by law." The following responsibilities are included in various sections of the North Dakota Century Code:

- promote improved marketing conditions for North Dakota agricultural products
- regulate dairy and poultry products
- license and bond individuals and livestock auction markets selling livestock in the state
- record brands for identification of livestock
- control and eradicate bee diseases and license the state's beekeepers
- improve the poultry industry by an assessment on turkeys for promotion of turkey and turkey products
- develop, supervise, and participate in programs to protect plant life from disease and insects
- inspect, certify, and license nurseries, nursery dealers, and agents
- administer and enforce state laws regarding restricted-use pesticides
- license and inspect anhydrous ammonia bulk facilities
- assist in administering the noxious weed law
- cooperate with the U.S. Fish and Wildlife Service to suppress animals and birds that cause property damage
- serve on various boards and commissions
- administer the state waterbank program.

Boards and Commissions

Industrial Commission, Emergency Commission, State Water Commission, Board of Equalization.

Submitted by the Agriculture Department



Bruce Hagen



Dale Sandstrom



Leo Reinbold

PUBLIC SERVICE COMMISSIONERS

Qualifications for Office:

25 years of age
Qualified Elector

Six-year term, with one commissioner's term expiring every two years

PUBLIC SERVICE COMMISSION

Introduction

In 1885, Dakota Territory established a Board of Railroad Commissioners with general jurisdiction over railroads, sleeping car companies, express companies and telegraph companies. At statehood, the Constitution of North Dakota provided for election of a Board of Railroad Commissioners with powers and duties prescribed by law. In 1940, the name was changed to Public Service Commission.

The Legislature has significantly broadened the duties of the Public Service Commission. Today, the Commission has jurisdiction over railroads, contract and common motor carriers, telecommunications companies, pipeline, electric and gas companies, water and heating companies, grain elevators and warehouses, weights and measures, public auctioneers and auction clerks, siting of energy plants and transmission facilities and reclamation of mined lands.

The Commission does not have jurisdiction over the rates of rural electric cooperatives or most telephone companies.

The Commission settles disputes between utilities and electric coops over disputed loads.

Major Functions

Secretary to the Commission

The Public Service Commission appoints a Secretary to the Commission, who coordinates operations and communications for the Commission.

Commerce Counsel

The Attorney General is the Attorney for the Commission but based on Commission recommendation has appointed Commerce Counsel to act as legal advisors to the Commission.

Grants and Contracts Officer

The Grants and Contracts officer deals with Federal programs and funds.

Abandoned Mine Lands Division

The Abandoned Mine Lands (AML) Division administers a federal program to remove hazards and environmental problems associated with abandoned mines. The division investigates AML sites, designs reclamation projects, submits applications for federal funds and manages construction projects under public contracts.

Consumer Affairs Division

The Consumer Affairs Division responds to complaints, inquiries and requests for information about activities or companies within the Commission's jurisdiction. It promotes consumer understanding of the regulatory process and facilitates public participation.

Grain Elevator Division

The Grain Elevator Division administers licensing, inspection and insolvency of grain elevators, roving grain and hay buyers, and storage companies. It handles licensing of auctioneers and auction clerks.

Public Utility Division

The Public Utility Division provides technical and administrative assistance to the Commission in regulating telecommunications, electric and gas utilities.

The division makes recommendations on applications for the siting of energy conversion and transmission facilities and on enforcement of Commission orders permitting electrical powerlines, gas pipelines, and electrical generation plants. It also administers the gas distribution and intrastate pipeline safety program.

Reclamation Division

The Reclamation Division is responsible for the administration and enforcement of state environmental law regarding surface coal mining and reclamation operations. It also administers Commission authority under the Surface Owner Protection Act.

Transportation Division

The Transportation Division deals with railroads and with commercial motor transportation of people and property over North Dakota highways. The division supervises rates and practices of carriers operating wholly within the state, and serves the Commission in representing North Dakota's transportation interests before federal agencies. It coordinates the state's fight against branchline abandonments.

Weights and Measures Division

The Weights and Measures Division provides a fair basis for commercial transactions by maintaining the necessary standards of weight, volume and length. It tests commercial weighing and measuring devices for accuracy to protect both the buyer and seller.

Submitted by the Public Service Commission



TAX COMMISSIONER
Heidi Heitkamp

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term

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STATE TAX COMMISSIONER

Introduction

The Tax Department is comprised of six separate divisions.

The Commissioner's Division has ultimate responsibility for the general administration of the department. It also serves as the department's primary research and statistics analysis center, coordinates department data processing needs, manages the personnel functions and directs internal audits of the department.

The Legal Division provides legal advice and counsel to the department and to the State Board of Equalization. The Controller's Division performs accounting functions, provides staff services and collects delinquent taxes. The Sales and Special Taxes Division, Income and Oil Taxes Division and Property Tax Division administer different state taxes under the direction of the Tax Commissioner.

In total, the Tax Department administers 27 different tax types.

Major Functions

The primary mission of the Tax Department is to collect tax revenue necessary to fund the operation of state and local government, through the uniform and fair administration of North Dakota's tax laws. Accomplishment of this mandate requires the pursuit and achievement of several distinct goals simultaneously.

The first goal, essential to effective tax administration, is to obtain voluntary compliance with the tax laws of the state by all taxpayers. Disseminating information about specific tax laws and general tax structure serves to foster compliance; well-informed citizens generally are willing to meet their obligations. The Tax Department issues rules and regulations, guidelines and instructional booklets. In addition, public meetings are held, and taxpayers receive individual assistance through personal contact, the telephone and correspondence.

A second goal is to enforce compliance by those who refuse to voluntarily submit tax returns and remit taxes due. Compliance activities are carried out by Tax Department auditors, compliance officers, field tax inspectors and tax collections officers, under the procedures set out in Title 57 of the North Dakota Century Code.

Recognizing that the quality of service an agency provides reflects the competence of its personnel, the third goal of the Tax Department is to employ highly qualified, capable men and women and to afford them opportunities for personal and professional growth within the organization.

The fourth goal is effective management of human resources. Within the framework of the Tax Department's broad objectives, individuals are encouraged to apply creativity and initiative in the performance of their

responsibilities. In this environment, employees strive to attain self-determined objectives, which results in greater productivity and contributes to organizational achievement.

As a fifth goal, the Tax Department is committed to fiscal responsibility in the use of funds provided by the Legislature. In its efforts to minimize costs while maximizing productivity and quality of taxpayer service, the Tax Department relies on a management system which emphasizes the necessity of realistic measurement of achievements and current reports of problems and progress in meeting the Department's objectives.

Boards and Commissions

Represents North Dakota on the multistate tax commission, State Board of Equalization.

Submitted by the Tax Department



LABOR COMMISSIONER
Byron Knutson

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term
No-Party Ballot
Election held during off-presidential election year

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COMMISSIONER OF LABOR

Introduction

The North Dakota Labor Department and its functions are provided for in Title 34 of the North Dakota Century Code.

Voters in the 1960 Primary Election approved the Constitutional Amendment authorizing the legislature to establish a Department of Labor. In 1965 the legislature created the current Labor Department arrangement. Previously it had been a part of the Agricultural Department.

The North Dakota Department of Labor is directed by a Commissioner who is elected on the No-Party Ballot for a four-year term. Field offices were recently opened in Minot and Fargo and are staffed by one full-time employee.

Major Functions

North Dakota's work force consists of about 320,000 people. It is the duty of the Commissioner of Labor to try to improve their working and living conditions and to advance their opportunities for profitable employment.

Additional duties include: fostering, promoting, and developing the welfare of both earners and industries in North Dakota; the promotion of friendly and cooperative relations between employers and employees; cooperating with other state agencies to encourage the development of new industries and the expansion of existing industries; representing the State of North Dakota in dealings with the United States Department of Labor, the Federal Mediation and Conciliation Service, and the United States Veterans Administration with respect to job training programs; acquiring and disseminating information on the subjects connected with labor, relations between employers and employees, hours of labor, and working conditions; encouraging and assisting in the adoption of practical methods of vocational training, retraining, and vocational guidance.

Further duties consist of administering and enforcing the laws governing: minimum wages; child labor; resident preference in employment; labor-management relations; wage payment and wage collection; equal pay for equal work; employment agencies; and discrimination in employment. Distribution of printed material and personal contact encourages compliance by the approximately 20,000 employers in North Dakota.

Minimum wage levels and overtime provisions are determined by the Commissioner acting on the recommendations of Conference Committees selected by the Commissioner. Public hearings must be held before a new minimum wage or overtime provision becomes effective.

Wage payment and collection assistance is available to employees. A claim for unpaid wages is investigated to determine its merit. The Commissioner may pursue collection of legitimate claims. Claims range from three dollars to several thousand dollars and collections have been running over a hundred thousand dollars per year.

Child labor regulation is addressed through a work permit system. Fourteen and fifteen year old students may have an opportunity to work by obtaining a permit. Fourteen and fifteen year olds are protected from hazardous work, hours of work in excess of state law, or from working hours that are illegal. The permit is available from the County School Superintendents in communities of less than 5,000 residents and from the School Superintendents in the larger communities. Each permit is reviewed by the North Dakota Labor Department.

Administration and enforcement of the Equal Employment Opportunity provisions require action addressing the wrongs and eliminating the existence of discrimination in employment. The United States Equal Employment Opportunity Commission contracts with the North Dakota Department of Labor to participate in receiving and investigating charges.

The "employment at will" doctrine prevails in North Dakota and generally means that the employer can arrange the work schedule, decide the salary, and demand the level of production and performance as long as the laws of minimum wage, child labor, overtime, discrimination, and other applicable provisions are not violated.

Under the Labor Management Relation Act, the Commissioner may conduct a representation election if a minimum of 30 percent of the employees working for the same employer request that an election be conducted to determine if a particular bargaining representative will be the choice of a majority of the voting employees. If a labor-management dispute arises, the Commissioner may act as a mediator or may appoint an impartial and disinterested person to act as a mediator when asked to do so by one or both parties involved in the dispute for the purpose of bringing the parties together and to reach a settlement.

Boards and Commissions

The Commissioner currently serves as an ex officio member of the Governor's Employment and Training Forum and as a member of the Executive Committee of the National Association of Governmental Labor Officials for Region VIII which includes the states of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Submitted by the Labor Department



SUPERINTENDENT OF PUBLIC INSTRUCTION
Dr. Wayne G. Sanstead

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term
No-Party Ballot

Must hold a Teachers Certificate of the highest grade issued in the state

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SUPERINTENDENT OF PUBLIC INSTRUCTION

Introduction

The Superintendent of Public Instruction is charged with the general supervision of the elementary and secondary schools of the State of North Dakota. He serves on a number of boards and commissions as part of that responsibility.

Major Functions

Adoption of Accreditation and Approval Standards for North Dakota Schools

The superintendent enforces state law, which requires a minimum of four units of high school work per year, and that each unit class meets a minimum of 40 minutes per day for at least 180 days. All schools must conform to these minimums. The superintendent also adopts accreditation standards which exceed the minimum. These additional standards are voluntary and those schools complying are "accredited" institutions.

The minimum curriculum all schools must provide includes four units of English, three units of math, four units of science, three units of social studies, one unit of physical education and one unit of music and a combination of electives for a total of six units.

Teachers' Professional Practices Commission

The commission is made up of nine members appointed by the Governor. The superintendent is executive secretary of the commission. The commission develops standards relating to ethics, conduct and professional performance of persons engaged in teaching in the public schools. These standards are recommended to the superintendent for adoption and the superintendent may approve or revise and promulgate such standards.

The commission is also charged with investigating complaints against teachers. The commission may discuss the complaint, issue a written warning or file a complaint with the superintendent. In the latter case, the superintendent may conduct a hearing. If the superintendent finds grounds for revocation or suspension, such an order would be issued as provided by state law.

The commission also recommends inservice programs and plans to the state superintendent.

Education Fact Finding Commission

This commission consists of three members, one each appointed by the Governor, the Attorney General and the Superintendent. The appointee of the superintendent serves as chairman of the commission.

If a school board and its teachers reach an impasse in negotiation of the terms and conditions of employment, assistance may be requested from the commission. The commission considers the facts and makes a recommendation. Neither party is required to accept the recommendation.

Supervision of Adult Basic and Secondary Education Programs

The superintendent is responsible for coordinating all adult basic and secondary education programs, including the administration of state and federal funding for such programs.

Federal Agreements

The superintendent may enter into agreements with any agency of the federal government for or on behalf of the public school districts of North Dakota and may adopt necessary rules of administration to ensure proper and efficient operation of such agreements and to comply with such conditions necessary for the state to receive full benefits of federal programs. All contracts, agreements or arrangements affecting public tax-supported schools shall be entered into in accordance with regulations prescribed by the superintendent.

Certification of Teachers

The superintendent, after consulting with the Teachers' Professional Practices Commission, determines the criteria for teacher certification. The standards include, by law, a consideration of character, educational preparation and general fitness to teach in North Dakota schools.

The superintendent issues rules and regulations concerning issuing certificates and his/her office issues the certificates in accordance with those rules. The superintendent may revoke or suspend a teacher's certificate for intemperance, immorality, cruelty, incompetency, for commission of a crime, neglect or refusal to perform duties, for breach of contract, for violations of professional codes or standards as promulgated in law or for any cause that would have prevented the certificate from being issued in the first place had the facts been known.

School Accounting

The superintendent is required by law to implement a uniform system of accounting, budgeting and reporting for all school districts. All districts are required to submit additional reports as required by the superintendent.

Biennial Report

The superintendent must prepare a biennial report that shows the number of districts, students, attendance records and studies offered. The report shall also illustrate the financial condition of the schools, receipts and expenditures, value of schoolhouses, costs of tuition and teachers' salaries.

In addition, the report should include the condition of private schools and other recommendations which the superintendent deems important.

Supervision of County Superintendents

The county superintendents are to follow all lawful instruction from the state superintendent and are to distribute necessary forms provided by the state superintendent. In case of controversy, the county superintendent will provide a full written statement to the state superintendent for a final binding decision. Each county superintendent must furnish an annual report to the state superintendent.

School Buildings

No building to be used in whole or part as a school shall be erected until a copy of the plans have been submitted to the Superintendent of Public Instruction, who is designated as building plans inspector. The plan must show in detail ventilation, heating and lighting of the building. All construction, purchase, repair, improvement or renovation of any school building with an estimated cost of \$25,000 must be approved by the Superintendent of Public Instruction. Exact building requirements are listed in 15-35-02 of the North Dakota Century Code.

The superintendent will have jurisdiction over the school construction fund.

School District Aid

The superintendent certifies to the Office of Management and Budget a list of all districts and the amounts due each school district and each school district shall be paid, within the limits of legislative appropriation.

Transportation Aid

The superintendent requires by law certification as to the compliance with state law of school buses and their drivers before payments are made. The superintendent shall determine the total amount of payments. The superintendent shall make such rules and regulations as necessary to gather information and evidence required for payment of transportation funds. The superintendent also must audit a minimum of ten transportation accounts annually.

Tuition Agreements

The superintendent enters into reciprocal master agreements with appropriate agencies of bordering states to provide for payment on a per pupil basis for students attending schools in bordering states.

Textbooks

Any firm, person or corporation before offering for selection any school textbook is required to 1) file the book with the superintendent with a price list, 2) file with the superintendent a surety bond of not less than \$2,000. The superintendent shall provide a listing of textbooks and prices.

State Tuition Fund

The Office of Management and Budget notifies the superintendent of the amount in the fund and the superintendent then apportions such funds among the state's school districts in proportion to the number of children of school age in each district.

School Lunch

The superintendent shall establish a school lunch fund. All funds received from all sources for the purpose of providing school lunch must be placed in that fund.

The superintendent may enter into agreements with federal agencies and school boards to provide for a school lunch program. The superintendent shall prescribe rules for keeping accounts, records and making reports. He shall also cause to be conducted such audits, inspections and reviews as may be necessary to determine whether agreements and regulations are being complied with and to ensure effective administration.

Special Education

The superintendent shall establish general state policy and shall endeavor to ensure cooperative special education programs coordinating all available services. Rules and regulations shall be prescribed for the provision of services and administration of those services. The superintendent shall assist districts in the inauguration, administration and development of programs and for the certification of schools, teachers, facilities and equipment and may apply for, administer, receive and expend federal aid for which the state may be eligible.

The superintendent shall cooperatively develop and implement an interagency agreement with appropriate private or public organizations.

The superintendent shall enforce educational standards for all special education programs wholly or partly supported by the state which are not supervised by public school authorities.

The superintendent must approve all contracts for handicapped children to attend private or out-of-state public schools.

Educational Broadcasting Council

The superintendent serves as an ex officio member of this board which owns the state's public broadcasting facilities.

Board of Higher Education Nominating Committee

The superintendent is chairman of the Board of Higher Education Nominating Committee. This committee also includes the chief justice of the State Supreme Court and the President of the NDEA. The committee provides three nominees to the Governor for selection as members of the Board of Higher Education.

Chemical Abuse Program

The superintendent shall implement a program of chemical abuse prevention in the schools of North Dakota. The superintendent will develop guidelines for such programs which will include, 1) community involvement, 2) assessment of services, 3) assessment of student needs, 4) coordination of activities with other agencies, 5) a plan for implementation, 6) evaluation plans, and 7) budget. The districts may apply to the superintendent for funding for such programs.

The superintendent shall also develop a plan for coordination with existing agencies and their programs.

Annexation and Reorganization

The superintendent shall direct school districts annexation, reorganization and dissolution, and shall carry out the duties imposed on the State Board of Public School Education.

Boards and Commissions

The Superintendent also serves as a member of the State Board of Public School Education, Vocational Education, the Board of University and School Lands, the Teachers' Fund for Retirement and the Children's Services Coordinating Committee.

Submitted by the Department of Public Instruction



COMMISSIONER OF HIGHER EDUCATION
John A. Richardson

Qualifications for Office:

Appointed to a three-year term by
the Board of Higher Education

Must be a graduate of a reputable
college or university who by training
and experience is familiar with problems
peculiar to higher education

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STATE BOARD OF HIGHER EDUCATION

Introduction

Publicly supported colleges and universities in North Dakota are governed by the State Board of Higher Education. The board was established as a separate body of state government in the North Dakota Constitution through the passage of an initiated measure by the people of the state in 1939. This makes the board somewhat unique when compared to most state agencies. The typical state agency is responsible to either the Governor or another elected official, but the board is not directly responsible to the Governor. Instead, as provided for in the Constitution, the board has "... full authority over the institutions under its control with the right, among its other powers, to prescribe, limit, or modify the courses offered at the several institutions." The board must, however, seek state appropriations through the budget review process of the executive and legislative branches. In analyzing the college and university budget requests, both operational and capital expenditures, the board submits its recommendations to the Director of the Budget, Office of Management and Budget.

According to the constitutional requirement, the board must consist of seven members, all of whom must be qualified electors and taxpayers of the state and residents for at least five years preceding their appointment. They are appointed by the Governor, with the consent of the Senate, from a list of names selected by the unanimous action of the President of the North Dakota Educational Association, the Chief Justice of the Supreme Court, and the Superintendent of Public Instruction. Members of the board hold seven-year overlapping terms.

The Constitution also provides that the board shall employ an individual in the position of Commissioner of Higher Education. The commissioner is the chief executive officer of the board. Under board policy, the president of each of the institutions of higher education governed by the board is responsible to the commissioner and through the commissioner to the board.

The board also has jurisdiction over the Upper Great Plains Transportation Institute, the Division of Independent Study, the Agricultural Experiment Station and the Northern Crops Institute. Programs under board supervision include reciprocal agreements, federal student loans, and aid to junior colleges.

Major Functions

In coordinating and planning development of North Dakota's public higher education, the board approves all new programs of instruction, research, and public service, including the establishment of a college, school, division, department, or other unit. Also subject to the board's approval are plans for all capital improvement of instructional and non-instructional facilities such as dormitories and field houses.

Agricultural Experiment Station

The Agricultural Experiment Station consists of a main station at North Dakota State University, and branch locations at Casselton, Hettinger, Dickinson, Williston, Minot, Carrington, Streeter, and Langdon. Personnel at the main station are also faculty in North Dakota State University's College of Agriculture. The Agricultural Experiment Station is administered by a dean and director, who is responsible to the president of NDSU. Final authority rests with the State Board of Higher Education.

The Agricultural Experiment Station, in cooperation with agricultural experiment stations in each of the other forty-nine states and the federal research, science, and education administration (USDA), acquires and provides useful information on agricultural subjects through an integrated and coordinated research program. Agricultural subjects include the production of food and fiber; the transportation, processing, and marketing of agricultural products; the conservation and use of soil and water resources; farm economics; and family living.

Cooperative Extension Division

The Cooperative Extension Division is under the supervision of the State Board of Higher Education and the director of the division.

As one of the educational divisions of North Dakota State University, the Cooperative Extension Division provides informal out-of-school educational programs for North Dakotans involved in agriculture, 4-H, home economics, community development, and other related areas. Through the interpretation of the research findings of NDSU, the U.S. Department of Agriculture, and other reliable research sources, the Cooperative Extension Division prepares and presents practical and useful information that will help the people of North Dakota solve their farm, home and community problems. County and area staff members are assigned to each of the state's 53 counties. Management, staff, and specialists offer statewide leadership, coordination, and support for the programs conducted through the extension office in each county. Extension programs are based on the expressed needs and interests of North Dakotans as determined by consultation with citizen advisory committees established throughout the state.

State Forester

The state forester is designated by the Board of Higher Education. The state forester works towards the prevention and suppression of forest fires; maintains a state nursery; distributes seeds and planting stock from the state nursery; assists in educating North Dakotans on seed and planting stock; and acquires and manages state forest land.

Northern Crops Institute

The policies for the operation of the Northern Crops Institute are established by the Northern Crops Council which consists of a representative of the North Dakota State University, a member of the North Dakota Wheat Commission, a member of the North Dakota Sunflower Council, the Commissioner of Agriculture or his designee, and three to five producers of northern crops selected by the other aforementioned members.

North Dakota State University, in consultation with the council, appoints a director to manage the institute and serve as executive secretary with the council.

The purpose of the Northern Crops Institute is to provide technical and marketing assistance through training courses and technical services in order to facilitate the domestic and market development of northern grown crops, and expand the sale of them.

The institute provides: in-plant consultation on grain quality problems, product manufacturing, and possible purchasing methods; educational and vocational training programs and short courses; research on northern crop damage problems and solutions; annual surveys and quality analyses of new northern crops; monitoring of quality and condition of commodities in market channels; and preparation of instructional, informational, and reference publications on the end use of northern crops and technical aspects of their marketing.

Student Financial Assistance Program

The State Board of Higher Education administers this financial aid program. The North Dakota Student Financial Assistance Program Board makes policy recommendations. Advisory board membership consists of three practicing financial aid officers, a high school counselor, and one chief administrator, one chief fiscal officer, and one full-time student from a postsecondary educational institution. The Board of Higher Education appoints only one person from each selected postsecondary educational institution to the advisory board and sets length of membership terms.

As the designated administrative agency, the Board of Higher Education manages grant programs of federal, state, and private money to qualified undergraduate students of the state's postsecondary educational institutions. Responsibilities include adopting criteria for determining a student's financial need and establishing other guidelines for selecting grant recipients.

Office of the State Toxicologist

The Office of the State Toxicologist is maintained in conjunction with the College of Pharmacy at North Dakota State University. The president of NDSU, with the advice of the Dean of the College of Pharmacy, employs a qualified toxicologist, who serves as the ex officio state toxicologist.

The state toxicologist provides toxicological services to anyone desiring such services. Major responsibilities include assisting coroners in death investigations, and assisting physicians in determining the drug levels of patients. The state toxicologist has the responsibility for training law enforcement officers in the use of breath alcohol testing instruments and in the analysis of blood samples for alcohol content determinations. The state toxicologist also examines the blood samples from persons fatally injured in automobile accidents. The state toxicology laboratory also assists law enforcement agencies in identifying drugs of abuse.

Upper Great Plains Transportation Institute

With its programs administered by the North Dakota State University, the institute's current full- and part-time staff consists of a director and research associates in transportation economics and transportation law. The institute's advisory council includes a representative from and appointed by the following: the Greater North Dakota Association; the Public Service Commission; the North Dakota Farm Bureau; the North Dakota Farmers' Union; the Livestock Industry Council; the North Dakota State Wheat Commission; the Economic Development Commission; the North Dakota Farmers' Grain Dealers Association; the North Dakota Railway Lines; the North Dakota Motor Carriers Association; the North Dakota Aeronautics Commission; and a traffic council selected by the advisory council membership.

The Upper Great Plains Transportation Institute conducts and supervises transportation research in the area of economics, engineering, law and planning in an effort to increase the knowledge and understanding of marketing factors associated with the geographic location of North Dakota and the upper great plains.

Submitted by Higher Education

APPENDICES

APPENDIX A

BOARDS, COMMISSIONS AND INSTITUTIONS

There are approximately 130 boards, commissions and committees in state government with varying degrees of responsibilities and accountability. The following pages represent a minute listing of state government boards, commissions and institutions. They are provided to further demonstrate the decentralization of government, the division of powers within the executive branch, and to offer diverse samples of entities with major responsibilities and governing authority--some of which are unique to North Dakota government, i.e., the Bank of North Dakota and the North Dakota State Mill and Elevator Association.

The section on institutions covers only a few of the institutions operated by the state's Director of Institutions.

The Director of Institutions is appointed by the Governor. However, the Director of the Office of Management and Budget is currently serving in a dual capacity and has assumed the responsibilities associated with the Director of Institution's office.

The information contained in this section was developed from the "Structure of North Dakota Government," a publication of the University of North Dakota's Bureau of Governmental Affairs, and the North Dakota Century Code.

COMMISSIONS

Emergency Commission

Created by:

North Dakota Century Code, Chapter 54-16.

Composition:

The Emergency Commission consists of the Governor as chairman, the Secretary of State as secretary, and the Commissioner of Agriculture. Whenever during the biennium an allocation to any state institution or department out of the state contingency fund exceeds \$10,000, the chairmen of the house and senate appropriations' committees (or their vice-chairmen) become commission members.

Major Duties:

The Emergency Commission has the authority to transfer money between funds or line items, or to order funds drawn from the state contingency fund in the state treasury when, in its judgment, an emergency situation exists in any board, commission, department, or agency of state government. The total of transfers from the contingency fund may not exceed five hundred thousand dollars, except in the amount authorized for transfer by the budget section of the Legislative Council. The commission is also empowered to authorize the receipt of federal monies which become available between sessions for new programs. No state agency may otherwise expend federal funds which have not been specifically appropriated by the legislative assembly.

Centennial Commission

Created by:

North Dakota 1981 Session Laws, Chapter 554, Section 2.

Composition:

The North Dakota Centennial Commission consists of seven members appointed by the Governor.

Major Duties:

The commission plans, promotes, and designates parks, sites, and activities in North Dakota for special purposes and development during the 1989 Centennial Celebration of North Dakota statehood. The commission conducts and promotes studies of the development of potential centennial activities.

Industrial Commission

Created by:

North Dakota Century Code, Chapter 54-17.

Composition:

The Industrial Commission consists of the Governor as chairman, the Attorney General, and the Commissioner of Agriculture. Orders of the commission become effective upon approval by a majority of its members.

Major Duties:

The commission determines the location of, and makes rules, regulations, orders, and bylaws for the management and operation of, all utilities, industries, enterprises, and business projects owned, administered, and operated by the state. The Bank of North Dakota and the State Mill and Elevator fall under this jurisdiction. Those activities operated in penal, charitable, and educational institutions are excluded from commission control.

The commission develops regulations for the conservation of North Dakota's oil and gas resources and subsurface minerals, and for coal exploration. The enforcement of the state's oil and gas conservation laws is a responsibility of the commission's regulatory division. The commission develops regulations for the storage and disposal of nuclear and other wastes in the state.

The commission regulates and issues bonds for the low income home mortgage finance program, through which the commission purchases low-interest mortgage loans made to low-income families from approved lenders.

The 1981 Legislative Assembly granted the commission the authority to issue bonds and lend the revenue from the sale of such bonds to approved lenders in order to make available funds for the establishment and rehabilitation of agricultural enterprises.

Industrial Commission--Bank of North Dakota

Created by:

North Dakota Century Code, Chapter 6-09.

Composition:

The Bank of North Dakota is operated, managed, and controlled by the Industrial Commission. Supervised by the commission which appoints him/her, the Bank president hires such staff as dictated by the best interests of the financial institution. The Governor appoints a seven-member advisory board of directors, at least three of whom must have specified experience in banking.

Major Duties:

The bank was established to encourage and promote agriculture, commerce, and industry in the state; to provide the most efficient and economical financial service to the state, its agencies and instrumentalities; and to furnish professional assistance whenever possible for the well being and advancement of North Dakota and its citizens.

Through the only legal depository of all state funds, the bank may accept deposits from other sources. It serves as a central clearing agency for many North Dakota banks and other financial institutions. As the state's fiscal agent, the bank is authorized to make direct insured loans such as federally insured student loans, federal housing administration and veterans' administration home loans. It may participate with other financial institutions in loans made by them, may make loans to political subdivisions, and to actual farmers who are state residents.

The bank also administers the following programs:

Beginning Businessman Loan Program (NDCC 6-09-15.4)

The Bank of North Dakota may make loans to beginning businessmen at an interest rate not greater than the bank's prime rate at the time of loan approval.

Fuel Production Facility Loan Guarantee Program (NDCC 6-09.7-01)

The bank administers this program which guarantees loans used for the construction of community-sized ethanol production facilities.

Developmentally Disabled Facility Loan Fund (NDCC Section 6-09.6-01)

The bank supervises a revolving loan fund for the construction, reconstruction, or acquisition of intermediate care facilities for developmentally disabled persons by nonprofit corporations.

Municipal Bond Bank (NDCC Chapter 6-09.4)

Through its municipal bond bank, the Bank of North Dakota lends money to political subdivisions at reduced interest rates by purchasing their municipal securities.

Student Guarantee Loan Program (NDCC Chapter 15-62.1)

The bank administers this program to assist students to finance their college education. An advisory board appointed by the Industrial Commission advises the bank on this program.

Industrial Commission--State Mill and Elevator

Created by:

North Dakota Constitution, Article X, Sections 19 and 20. North Dakota Century Code, Chapter 54-18.

Composition:

The State Industrial Commission manages and controls the Mill and Elevator Association. To assist in the operation of the mill and elevator, the commission appoints a manager. The manager, subject to commission regulation, may employ such personnel as deemed necessary.

Major Duties:

The Mill and Elevator Association was established for the purpose of encouraging and promoting agriculture, commerce, and industry by engaging in the business of manufacturing and marketing farm products. To these ends, a system of warehouses, elevators, flour mills, factories, plants, machinery, and equipment is maintained by the state under the name of the North Dakota State Mill and Elevator Association.

Indian Affairs Commission

Created by:

North Dakota Century Code, Chapter 54-36.

Composition:

Commission membership includes the governor as chairman; the state health officer; the executive director of the department of human services; the director of job services; the tribal chairman or his designee and one other representative from each of the state's Indian reservations; a representative from the county commissioner's association; one from the league of cities; one state senator and one representative; and appointed by the governor, three members at large who are of at least one-quarter Indian blood. The commission appoints the executive director.

Major Duties:

The commission assists Indians, particularly the four tribal councils, in developing their own goals and in project planning and implementation. The commission encourages cooperation and coordinates actions and efforts of other governmental agencies with regard to Indian objectives. In doing so, the commission assembles data and aids tribal, state, and federal agencies in establishing programs that help Indians achieve more adequate living standards, that improve tribal self-government, and that urge better understanding of and participation with non-Indians in local and state affairs.

The commission administers the Indian development fund authorized by North Dakota Century Code, chapter 54-32.2, to provide Indian communities with state and local money to match that required by federal, tribal, or private agencies engaged in economic development and expansion projects.

Water Commission, State

Created by:

North Dakota Century Code, Chapter 61-02.

Composition:

With the governor as chairman, the commission consists of the commissioner of agriculture and seven other members appointed for six-year terms by the governor. The commission appoints the state engineer to serve as secretary and chief engineer. To meet its responsibilities the commission may employ such other staff as required.

Major Duties:

The objectives of the commission are water conservation and development and flood control. To reach these goals, the commission has authority to investigate, plan, regulate, construct, and maintain all works, dams, public and private projects which in its judgment may be necessary or advisable. The commission also cooperates with federal agencies in making water facility projects available to the public; inventories both surface and ground water, and prepares and maintains a statewide master plan for future water resources development. The state engineer issues water permits under water law administration.

Water Conservation Commission--Atmospheric Resource Board (Previously the Weather Modification Board)

Created by:

North Dakota Century Code, section 61-04.1-04

Composition:

As a division of the state water commission and under its direct supervision, the board includes the state aeronautics commission director, a representative from the health department's environmental control services division, the state engineer, and seven additional members. Appointed for four-year terms by the governor from recommendation lists made by weather modification authorities in each district, each of the seven comes from one of the state's weather modification districts. The board employs an executive director.

Major Duties:

The board establishes qualifications and procedures for issuing, revoking, and suspending weather modification licenses and permits. It also develops regulation, monitoring, and evaluation standards for weather modification operations. As authorized by law, the board may contract for weather modification with counties, the federal government, or any person, association, partnership, or corporation. The board is empowered to order the cessation of any weather modification operation in violation of law or regulation, which order is enforceable in a court of law.

The board is required to formulate a program of weather modification research and development in North Dakota, and to present a biennial report to the governor, describing the research and development activities conducted during the biennium, the board's supervision and control of them, and the outcome.

BOARDS

State Board of Public School Education

Created by:

North Dakota Century Code, Section 15-21-17.

Composition:

The board consists of the Superintendent of Public Instruction as executive director and secretary and of one qualified elector from each of six districts in the state. The six members are appointed by the Governor and subject to senate confirmation for staggered six-year terms, from a list of three nominees for each position to be filled. This list is submitted by a committee consisting of the president of the North Dakota State's Attorneys Association, the president of the North Dakota School Administrator's Association, and the president of the North Dakota School Board's Association. At all times two members of the board must be members of the North Dakota School Board's Association.

Major Duties:

The board acts as the governing agent for the Vocational Education Division and for the Division of Independent Study. The board has final approval or disapproval of school consolidation, school construction loans, and high school tuition appeals.

State Board for Vocational Education

Created by:

North Dakota Century Code, Section 15-20.1-02.

Composition:

The State Board of Public School Education serves as the State Board for Vocational Education. Acting through the Superintendent of Public Instruction, the board appoints a director and executive officer for vocational education and designates other assistants as needed. The director, under the supervision of the board and the superintendent, is charged with the administration of the provisions of the law concerning vocational education.

Major Duties:

Areas of vocational education include agricultural, industrial, trade, home economics, distributive, and office occupations. In administering vocational and technical education programs, the board provides services to persons attending high school; having completed or left high school who are available for full-time study in preparation for entering the labor market; needing

training or re-training to achieve stability or advancement in employment; and having academic, socio-economic, or other handicaps preventing them from succeeding in the regular vocational education process.

The board administers funds for the promotion of vocational administration provided by the federal government, makes studies and investigations relating to vocational education, and formulates plans for the place of vocational education in the state's public education system.

After determining that state requirements are met, the director and executive officer of the State Board for Vocational Education licenses all private trade, industrial, vocational, technical, business, or correspondence schools in North Dakota (NDCC, Section 15-20.2).

State Board of University and School Lands

Created by:

North Dakota Constitution, Article IX, Section 3.
North Dakota Century Code, Chapters 15-01 and 15-02.

Composition:

The Board of University and School Lands consists of the Governor, the Secretary of State, the State Auditor, the Attorney General, and the Superintendent of Public Instruction. The board appoints for a two-year term a commissioner of University and School Lands to serve as chief administrative and executive officer of the State Land Department. The commissioner appoints a deputy commissioner with board consent.

State Board of University and School Lands--Land Department

Major Duties:

As the board's administrative agency, the Land Department has general authority, direction, and control over the care, management, and disposition of all common school and institutional grant lands and the funds resulting from their lease, sale, and disposition. The board also has general supervisory authority over leasing of minerals on state-owned lands and manages certain acquired lands and sovereign lands (the beds of navigable waters).

In managing the agency's permanent trust funds, the Land Department purchases first mortgage farm loans through the Bank of North Dakota, invests in securities guaranteed by the federal government, and makes other investments authorized by law.

Abandoned Property Office (NDCC, Chapter 47-30)

The board also manages all property that comes to the state by escheat either through estate proceedings or in accordance with the North Dakota disposition of abandoned and unclaimed property act.

**State Board of University and School Lands--
Energy Development Impact Office**

Created by:

North Dakota Century Code, Section 57-62-04.

Composition:

The Energy Development Impact Office is headed by a director appointed by the Board of University and School Lands. The director hires other staff as necessary.

Major Duties:

After studying the resultant impact of coal development and oil and gas development of the state and its political subdivisions, the office reports and makes recommendations to the Governor and the Legislature. In addition, the office provides financial assistance through grants for services and facilities to those counties, cities, school districts, and other political subdivisions directly affected by coal development or oil and gas development. The office prepares forms and stipulates procedures to be used by grant applicants. In determining the amount of an individual grant, the office considers revenue expended by the political subdivision from taxes on the real property of coal development plants and from other tax or fund distribution formulas established by law. The office also makes recommendations to the Board of University and School Lands for loans from the coal development trust fund.

State Board of Equalization

Created by:

North Dakota Century Code, Chapter 57-13.

Composition:

Board membership consists of the Governor as chairman, the Tax Commissioner as secretary, the State Auditor, the State Treasurer, and the Commissioner of Agriculture.

Major Duties:

The State Board of Equalization is responsible for equalizing the valuation and assessment of property so that all assessments of similar taxable property are uniform and equal across the state. For tax purposes, the board determines the assessed valuation of operating properties of public utilities such as airlines, railroads, and telephone, power, and pipeline companies. The board also hears requests by new businesses for maximum five year property and/or income tax exemptions.

State Parole Board

Created by:

North Dakota Century Code, Section 12-59-01.

Composition:

The State Parole Board consists of three members appointed by the Governor for staggered three-year terms, one of whom must be a licensed attorney, another must be experienced in law enforcement and another must be qualified by experience, education, or training. The ex officio members of the Board of Pardons appoint parole officers, one of whom may be the clerk of the State Parole Board, as well as of the Board of Pardons.

Major Duties:

Meeting not less than six times a year, the board considers prison inmates for parole, work, and educational release. Under the supervision of the Board of Pardons and the Parole Board, the parole office administers the state's parole system. That office's primary goal is to assist released offenders in adjusting to community life and to protect the community from them if they show a tendency to revert to criminal activities. Important aspects of that objective are the day-to-day supervision of the probationers and parolees by field officers, and pre-sentence investigations conducted on behalf of the courts. The chief parole officer is state administrator for the interstate compact for the supervision of parolees and probationers.

Board of Pardons

Created by:

North Dakota Century Code, Section 12-55-01.

Composition:

As ex officio members, the Governor, the Attorney General, and the Chief Justice of the North Dakota Supreme Court serve on the board with two qualified electors appointed by the Governor. Jointly with the parole board, the ex officio members appoint a clerk to serve both the Board of Pardons and the Parole Board.

Major Duties:

The Board of Pardons administers executive clemency, including pardons, reprieves, and commutations, and is in charge of all parole agents and emergency paroles. The clerk keeps all records and performs other duties assigned by the board.

INSTITUTIONS

Penitentiary

Created by:

North Dakota Century Code, Chapter 12-47.

Composition:

Appointed by the Director of Institutions for a two-year term, the Penitentiary warden may employ such personnel as deemed necessary. The warden acts as accounting officer for the Penitentiary industries and the Director of Institutions establishes industry rules and regulations.

Major Duties:

The Penitentiary is concerned with the confinement, correction, and rehabilitation of prisoners committed by North Dakota courts. The warden has charge and custody of the penitentiary discipline; supervises the guards, keeps records of inmates; retains accounts of all articles manufactured; classifies convict labor; and in all things has regard for the comfort and reformation of inmates.

Penitentiary--State Farm

Major Duties:

The Penitentiary budget includes an appropriation for the North Dakota State Farm. The warden of the Penitentiary serves as the chief administrative officer of the State Farm. Judges of the district courts and of county courts with increased jurisdiction may commit to the State Farm persons sentenced for not less than thirty days and not more than one year. Those prisoners sentenced to the farm who have been convicted of a felony receive instead a misdemeanor conviction on their records. The farm is intended to be rehabilitative in function and provides the prisoners with work experience, chiefly agricultural in nature.

North Dakota Industrial School

Created by:

North Dakota Constitution, Article IX, Section 12.
North Dakota Century Code, Chapter 12-46.

Composition:

The Director of Institutions supervises the school and employs the superintendent to implement policies originating from the director's office.

Major Duties:

The Industrial School is responsible for the detention, rehabilitation, instruction, and safekeeping of juveniles who are legally committed to the institution by the courts. Commitments may be made not to exceed a period of two years.

State Library

Created by:

North Dakota Century Code, Chapter 54-24.

Composition:

Appointed by the Director of Institutions, the State Librarian administers the State Library and its programs.

Major Duties:

In cooperation with public, academic, and special libraries, the State Library is able to offer a wide range of reference, research, and loan services to all North Dakota residents. These services are directly available to all branches of state government. Among the materials loaned by the State Library are filmstrips, books, super 8-mm films, tape cassettes, federal and state documents, and items of current governmental interest.

The State Library provides consultant services on organization and administration to public libraries; compiles and publishes library statistics for state, regional and national use; establishes certification standards for North Dakota librarians; administers the library services and construction act; serves as the depository and distribution center for state documents and acts as the interstate library compact administrator.

The State Library administers the state aid to public libraries program.

Closely

**1987
A LEGISLATIVE
EXPERIENCE**



SIMULATING THE NORTH DAKOTA ASSEMBLY

Students pictured were engaged in mock legislative committee hearings, a legislative trivia game, a simulation of the full House Of Representatives and a seminar on the media.

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APPENDIX B

MISCELLANEOUS INFORMATION

**THE INFLUENCE OF SPECIAL INTEREST GROUPS
ON THE EXECUTIVE BRANCH**

FEDERALISM: WHAT KIND WILL WORK?

ADMINISTRATIVE RULES

THE INFLUENCE OF SPECIAL INTEREST GROUPS ON THE EXECUTIVE BRANCH

Interest groups play an important role in executive branch activities. Most citizens are aware of the fact that interest groups often lobby the legislature. That is, they contact and interact with legislatures in an effort to influence them in their legislative decisions. They work to have legislatures propose requested legislation, to amend or redraw legislation to conform to the interest group's interests, or to pass or kill legislation depending on how it affects an interest group's interests.

Less is known about the role that interest groups play in terms of the executive branch and its many agencies. But that role is no less important in terms of the interaction of special constituencies with government decision-makers. The agencies implement the laws and in many cases directly impact the activities of an interest group, particularly if it is a corporate interest (like Basin Electric or Montana-Dakota Utility), or an associational interest (like the North Dakota Bankers Association or the North Dakota Independent Bankers Association). Increased regulation has led to increasing contact of interest groups with executive agencies and their heads. Interest groups provide inputs and data used by the agencies in the formulation of regulations, they appear at hearings the agency must hold to promulgate new regulations, they discuss and negotiate issues of the applicability of regulations to their activities, they often must obtain licenses or permits from the agencies to expand their activities, and in some cases they become involved in an adjudication of issues of compliance with state law and regulations. The latter involvement is really the equivalent of a trial to determine whether an interest must comply with state requirements or whether an interest has violated some requirement and must be ordered to comply or be fined or otherwise sanctioned.

The regulatory umbrella, particularly in the health and environment area has broadened and interests have increasingly had to grapple mutually with agencies on a number of increasing technological and economic issues. The greatest involvement has been in terms of the industrial expansion of the energy industry in North Dakota. Basin Electric, for example, has had extensive contacts with the Public Service Commission, the State Water Commission, the Tax Commissioner, Job Service, the Department of Labor, the Economic Development Commission, the Energy Impact Office (extensive involvement), the Attorney General's office, the Industrial Commission, the Health Department, and even the Agriculture Department. For such an interest, contact and interaction at the agency level becomes as important as legislative contact.

Certain interest groups have a regular and continuing pattern of interaction with state agencies. For instance, oil and gas companies and the North Dakota Petroleum Council which is a private association has ongoing contact with the Industrial Commission and its Oil and Gas Division in regard to regulation of the oil industry and in regard to development decisions (delineation of fields, spacing orders, production quotas, pooling orders, restrictions on flaring of gas, exceptions to drilling rules). The North Dakota Health Care Association and the North Dakota Hospital Association have many day-to-day issues to discuss in regard to nursing home operations and implementation of Medicare and Medicaid standards. Many of these relationships show that state government has a sensitivity for the special constituencies that operate in the state.

Since the special interests usually come under the regulatory jurisdiction of special boards and commissions (North Dakota has about 100 of them), it becomes important for the special interest to obtain representation on the board itself. In many cases this is mandated by North Dakota State Law. As noted before, there is the example of the State Health Council which includes members who were recommended to the governor for appointment by each of the major organized interests in the health field. This is the pattern for many boards or commissions. In some instances, as in the case of the Dairy Products Promotion Commission, interests group leaders such as the Presidents of the American Dairy Association and the National Dairy Council of North Dakota are made ex officio members of the Board. Even corporate representation is sometimes mandated for board membership. For instance, the State Electrical Board has five members appointed by the governor, one of whom must be a consumer member of an electric co-op and one of whom must be a representative of investor owned electric utilities. In cases where the laws do not actually specify members of particular associations, the competition between different interest groups to get their members on these boards can be intense. For instance, the governor has only to pick six persons, one from each judicial district to the Game and Fish Advisory Board. The North Dakota Wildlife Federation, the North Dakota Sportsmen, and Ducks Unlimited all present the governor with their slate of eligibles. Similarly the North Dakota Banking Association and the North Dakota Independent Bankers submit their own slate of considerees for the North Dakota Banking Board. Unorganized interests also are guaranteed representation on some advisory boards. For instance, the Manpower Services Council includes 28 members. Represented are several state agencies that are concerned with employment such as Job Service and Vocational Rehabilitation. Representatives of the Association of Counties and the North Dakota League of Cities are also included. Importantly the governor is asked to appoint members representing agriculture, labor, business, veterans, older workers, the handicapped, women, Indians, low-income groups, and the general public. The recruitment system for state boards reflects a general public expectation that executive boards and commissions shall operate with input from all constituencies affected by the action of the boards.

How does this accommodation between agencies and special interests work? Some might feel that these relationships are akin to having the fox guard the henhouse. However, reports are that the relationships are productive and in the public interest. The presence of interest group representatives allows for direct communications on the needs and problems of the regulated interests and also furnishes vital expertise necessary for decision. In areas like the human service advisory boards, the education advisory boards, and the water conservation commission, the citizen members and the interest group representatives have been very professional in their approach and have operated to provide essential expertise, and control conflict to minimal levels within these institutions.

Submitted by Dr. Theodore Pedeliski, Political Science Department, University of North Dakota

FEDERALISM: WHAT KIND WILL WORK?

In his 1982 State of the Union message, President Reagan proposed a major resorting of government, in which responsibilities and funding for welfare programs would be transferred to the states while the federal government would assume the state share of responsibility for managing and funding Medicare and Medicaid health care programs. The president argued that the role of the federal government should be limited to nationwide concerns and that states and local communities should administer programs that directly affect them. His proposal, which he called "the New Federalism," set off a complicated political debate.

Below, Richard S. Williamson, special assistant to the president for intergovernmental affairs and chief author of the New Federalism proposal, discusses federalism from the Reagan administration's point of view. Williamson's article appeared in the Washington Post on February 24, 1982.

Then, Tom Wicker, the New York Times columnist, challenges the administration's assumption that decentralizing the government is what the country needs. Wicker's article appeared in the February 2, 1982, New York Times.

Fat Government Has to Go

By Richard S. Williamson

On the problem there is little disagreement. The federal government has become bloated and inefficient. Programs overlap and are so numerous that the average citizen can't begin to name a small fraction of them, much less tell you what they do. Federal program administrators are so removed from the people that citizens don't know whom to blame when government services go sour.

Yet political elitists here in Washington adamantly maintain that the federal government is the only entity big enough and sophisticated enough to deliver services to the people. They call for more of the same.

It is reminiscent of the response by the owner of a chain of large retail stores to his cost accountant. When informed that, on average, the stores were losing 35 cents on every item sold, the owner said, "Yes, but we make it up in volume."

Should we defend the status quo of a big, centralized federal government that costs too much and produces too little? Or should we show progress, change and new solutions by moving forward and returning programs and resources to the people?

President Reagan's federalism initiative provides an historic window of opportunity to elected officials at all levels of government. Unlike many of his recent predecessors, the president is saying to state and local officials, as well as to Congress, that he trusts them as full and equal partners in our intergovernmental system.

During the next few weeks and months there will be much meaningful discussion about the details of the president's proposal--for example, how the fiscal disparities issue will be addressed; whether funding sources for the trust fund must be adjusted; how the pass-through mechanism to local governments should be constructed.

These are important issues, but they fail to get to the nub of the debate on the philosophy behind the president's initiative.

The issue is rather simple and relates to our fundamental assumptions regarding the meaning of democracy. The philosophical opponents of the president's initiative honestly believe that the farther representatives are from people they serve, the better democracy will function. Ronald Reagan rejects that view. He believes that democracy depends on government's being close to the people.

The special interest groups that for so long have fed off the present federal system don't want the public policymaking arena shifted closer to the people. They have benefited from the gravitation of power to Washington and have annointed themselves with an importance not earned through the respect of the people.

President Reagan rejects this tired, wrong-headed advice.

He believes the people have the right to make decisions about their everyday lives for themselves. And, most of all, he has an admiring trust of the state and local representatives of the people for their caring and compassion. It is a trust he acquired during eight years as governor of California.

This does not mean the administration thinks every state and every city will make a right decision on every issue. They will serve as laboratories of democracy, and in any laboratory not all experiments work. But a mistake at the state and local level confines the damage; a mistake at the federal level blows up the whole plant.

Who will benefit from enactment of the president's federalism package? Certainly state and local elected officials, who will be given more authority, responsibility and financial resources to represent the people they were elected to serve. Certainly the Congress, which will once again have an opportunity to focus on truly national issues rather than on potholes and other local concerns. And certainly the taxpayers, who foot the bill for government, and will now have a far better opportunity to hold government officials accountable for the decisions they make.

The only real losers will be the special interest groups and bureaucratic middlemen--the grantsmen--who siphon off funds from those in greatest need.

To those elitists who believe that somehow Washington has a corner on wisdom and compassion in this country, there is nothing President Reagan or those who serve him can write or say that will change their minds, but that is where the intellectual and political battle will be joined.

None of us in this administration has any misconceptions that the president's federalism proposal is a magic panacea. But we are convinced it will help make government work again. It will cut administrative overhead and define precise

product lines by sorting out responsibilities among the various levels of government. The president wants to make up in quality what has been squandered in volume.

The New States' Rights

By Tom Wicker

President Reagan proposes to make the states responsible by 1988 for welfare, food stamps and more than 40 other federal programs--so responsible, in fact, that the states will be able to kill any or all of these programs, beginning in 1984, if any or all of the states decide to. And some probably will.

Can this be a serious proposal from the president of all the people? Does Mr. Reagan really intend for some states to be able to offer their needy citizens *no* help? Does he actually believe the national government should provide *no* requirement of the states regarding help for the needy?

That's exactly what Mr. Reagan intends, if his own words are taken at face value. First, his proposal that the federal government assume all Medicaid costs now borne by the states would provide them with less than half what they'll need to finance the growing costs of the 40-odd programs he wants to transfer to them.

Second, the transition-period trust fund that supposedly would pay the rest of the added state costs--ranging from \$23 to \$27 billion annually from 1984 through 1987--would be financed by federal excise taxes. But wait: "To the extent," said Reagan in his State of the Union Message, that the states "choose to forgo the federal grant programs, they can use their trust fund money on their own, for those *or other purposes*" (*italics added*).

Translated, that means that if during the brief life of the trust fund some states want to drop food stamps, they can, and without a peep of protest from anybody but the hungry. And, of course, just what those "other purposes" might be, Mr. Reagan didn't specify. Highway construction? Tax reduction?

The trust fund, however, will go out of existence in 1988; then, said the president, the excise taxes that provided it with \$28 billion a year "will be turned over to the states" to finance the programs. The states "can then preserve, lower or raise taxes on their own and fund and manage these programs as they see fit."

Mr. Reagan may not be old enough to remember hearing President Washington's first State of the Union Message in 1790; but he's old enough to remember that when President Eisenhower, in the 1950's, offered the states the opportunity to take over a portion of the telephone excise tax, there were virtually no takers. The reason is simple and political--if Congress *lowers* taxes by killing the federal excises on, say, whisky or gasoline, state legislatures are naturally reluctant to *raise* taxes by reinstating the same excises, particularly if some other states don't do it.

That's not the only thing Mr. Reagan has either forgotten or put out of his mind in proposing this new states' rights scheme. He did not acknowledge, for

example, the historical fact that the federal government got into what was then called "relief" in the 1930's because the states and the private sector couldn't or wouldn't take necessary responsibility for the poor, the aged and the helpless. They will no doubt do better now; but how much better? Is welfare all that much more popular today?

Reagan has forgotten, too, the fact that even now there are wide disparities among the states in what they're willing to do for the needy, going far beyond cost-of-living differentials and not always reflecting differences in resources. The result is that poor people are worse off in many states than in others, even under the present system.

But Reagan wants to take away the federal welfare payments than now provide at least a minimum national standard *and* eliminate the federal requirement for at least some welfare assistance everywhere *and* make the states responsible for raising taxes to pay for welfare and other assistance programs. The consequences are hardly in doubt: Some states will reduce welfare and food stamps below present levels, and other states will eliminate these programs altogether.

That will not only produce an unfair, "un-national" and indefensible crazy quilt of 50--or probably fewer--different welfare programs; it will mean a new tide of immigration by poor people from the ungenerous states and the resource-poor states into those few that can or will tax their citizens to aid the needy. People will "vote with their feet," in Mr. Reagan's own phrase, thus saddling only some of the states with what ought to be the national burden of all the states and the federal government.

No doubt some federal programs can be handled more effectively by the states, and some "swap" of functions might well be in order. But assistance to the needy is primarily a national responsibility, owing to the effect of the national economy on the cost of such assistance.

The current recession, for example, increases the need for food stamps and welfare while reducing tax revenues to pay for them. That will not change if the states assume these programs; but it's Washington, not the states, that has responsibility for the national economy. And these national responsibilities cannot responsibly be separated.

Reprinted from "PERSPECTIVES", a publication of the Close Up Foundation.

HOW ADMINISTRATIVE RULES ARE ADOPTED UNDER NORTH DAKOTA LAW

North Dakota administrative agencies have the authority to adopt, amend, or repeal rules, in order to prescribe methods and procedures to implement the provisions of statutes administered or enforced by the agency. By definition, an administrative agency is any board, bureau, commission, department, or other administrative unit of the executive branch of state government. When a new law is passed affecting an agency, a new rule to implement the statutory change must be adopted within nine months of the effective date of the newly adopted law.

Every rule proposed by an administrative agency must be submitted to the Attorney General for an opinion as to its legality before final adoption. The Attorney General may suggest any revision or rewording of a rule to meet objections to the legality.

Upon becoming effective, rules have the force and effect of law until they are amended or repealed by the agency, or declared invalid by a final court decision. A copy of the rule adopted by an administrative agency and the Attorney General's opinion on that rule are to be filed with the office of the Legislative Council for publication in the North Dakota Administrative Code. If the rules are not published in the code, they are invalid.

The following entities are not agencies for purposes of the administrative rules and code:

1. Office of Management and Budget
2. Adjutant General
3. Council on the Arts
4. State Auditor
5. Economic Development Commission
6. Dairy Promotion Commission
7. Education Fact Finding Commission
8. Educational Broadcasting Council
9. Board of Equalization
10. Board of Higher Education
11. Indian Affairs Commission
12. Industrial Commission
13. Director of Institutions
14. Board of Pardons

15. Parks and Recreation Department
16. Parole Board
17. Superintendent of Public Instruction
18. State Board of Public School Education, while administering the State School Construction Fund
19. State Fair Association
20. State Toxicologist
21. Board of University and School Lands
22. Administrative Committee on Veterans Affairs

The adoption of administrative rules is accomplished by the following five steps:

1. The first step is to determine whether the state agency or official is lawfully empowered to adopt administrative rules. The agencies listed above do not have such authority, other state agencies have the authority to adopt administrative rules.
2. Rules are next drafted by the agency. Each administrative agency or state official is responsible for drafting rules for that agency. Specific guidelines establishing drafting requirements are provided by the North Dakota Legislative Council.
3. Before any rule is adopted, amended, or repealed, the administrative agency must provide a procedure for public input, either orally or in writing, relative to the feasibility of the rule. No formal hearing on proposed rules is needed unless the proposed rules are of a substantive nature and an oral hearing has been requested. Before any rule becomes final, it must be submitted to the Attorney General to determine whether it is in compliance with state law. The Attorney General cannot approve any rule if it merely repeats or rephrases the text of a statute which is being implemented, nor may the Attorney General approve the rule if it exceeds the statutory authority of the agency, or is not concise or easily understandable.
4. After the rule has been officially approved in writing by the Attorney General, and an opportunity for public comment has occurred, the agency may formally adopt the rule. At that point, a copy of the rule along with the Attorney General's written approval is filed with the Legislative Council of North Dakota.
5. Rules become effective and have the force and effect of law on the first day of the month after the month of publication in the North Dakota Administrative Code. If the immediate publication of a rule is a necessity, the agency or official can declare an emergency. In that case, the rule will become effective immediately upon written approval by the Attorney General or at a specifically stated date. Emergency rules, however, can only be adopted where there is eminent peril to the public

health, safety or welfare. Such a statement of necessity must be filed with the rule if it is to be adopted as an emergency rule. Administrative agencies must take steps to make emergency rules known to those persons who may be affected by them.

"CHILDREN ARE THE WORLD'S MOST VALUABLE RESOURCE
AND ITS BEST HOPE FOR THE FUTURE."

John F. Kennedy

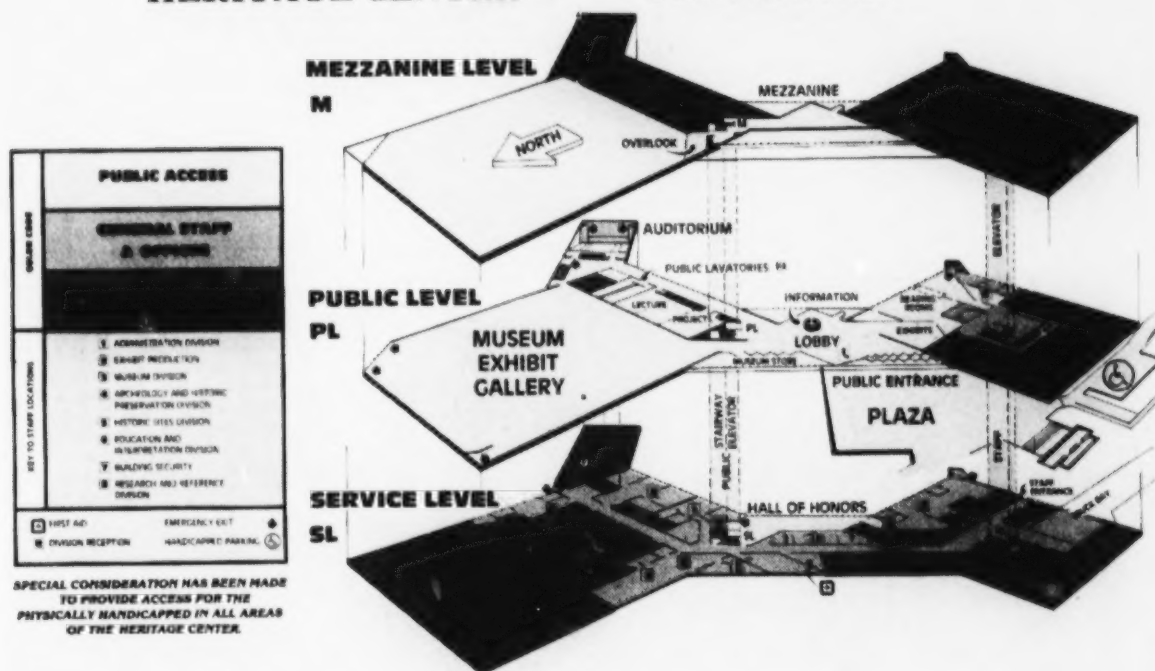


" Everything we do today is, ultimately, for our children and their future.
The 'Year of the Child' is a time to enjoy children and emphasize their
accomplishments. We need to share our lives with children and acknowledge
them as the guardians of future human progress."

George A. Sinner

HERITAGE CENTER FLOOR PLAN

HERITAGE CENTER FLOOR PLAN



STATE HISTORICAL SOCIETY OF NORTH DAKOTA

The State Historical Society of North Dakota has responsibilities for collecting, preserving, and displaying artifacts and documents important to the history and culture of the state and its people. In 1905, the Society officially became part of State Government and was headquartered in the old state capitol from 1905 to 1924.

The agency quickly outgrew the small space in the capitol. In 1924 it moved to the new Liberty Memorial Building, a structure that remained its home until 1980. The society developed a number of programs in addition to collection of artifacts and documents; it operated historic sites, published books and a quarterly journal, and accumulated a large library. By the middle 1960, it clearly had outgrown its longtime home.

Fundraising for a Heritage Center commenced in 1968, and planning for the building occurred gradually during the 1970. Ground was broken in 1976, and the new North Dakota Heritage Center was officially opened on May 30, 1981. A long-term plan calls for completion of permanent museum gallery displays by 1989, North Dakota's centennial year.

Presently, the State Historical Society of North Dakota has 48 full-time employees and operates programs in many areas. Its divisions include Administration, State Archives and Historical Research Library, Education and Interpretation, Historic Sites, Archeology and Historic Preservation, and Museums. The agency is governed by the North Dakota State Historical Board consisting of sixteen members (nine appointed by the Governor and seven representatives of other state agencies and departments).

Larry Remele

NORTH DAKOTA'S CENTENNIAL LOGO

The logo symbolizing North Dakota's 1989 Centennial Celebration uses visual images to depict the fundamental elements of life in our state. The entire logo is circular in shape to represent strength, integrity and the intrinsic continuity of life itself. The design goes beyond the era of discovery and celebrates the civilization, settlement and development of a rich agricultural region by hundreds of thousands of impoverished immigrants seeking freedom, self-reliance and hope for the future. The following descriptive excerpts were provided by Burdette B. Calkins, Centennial logo artist.



© 1985 North Dakota Centennial Commission

North Dakota is people and a land which nurtures life. Indeed, "Strength from the Soil," is an appropriate state motto and this design depicts the soil in rich earth tones, along with the land's ability to sustain life and growth through a singular "shoot," the true ecological and economic root for all grasses, cereal grains, livestock feed and even lignite coal. Delicate wildflowers, woodlands and mighty oaks share a similar humble beginning. The "shoot" is golden in color to carry the promise of rich harvests.

The design also features our expansive, usually benevolent blue sky, with a hint of summer breezes, clouds and the life giving moisture they bring. This above a horizon representing a geographical cross section of the state from tablelands in the west, through rolling glacial central areas, to the flatness of the Red River Valley in the east. The soil below is stratified abstractly to represent the mineral wealth beneath our landscape. The mighty Missouri, a continuing major force and central element in our history and our lives, bisects the lower (land) portion of the logo.

Last, but not least, the final major element, the "people," could be no more nobly, expressively, or recognizably represented than by the Pioneer Family which stands prominently - steadfast and enduring - on the state capitol grounds. In his introduction to Rovaag's, "Giants in the Earth," the historian Ridpath said of the pioneers, "They struggled and died that their children might inherit the promise." We, those children, now commemorate a century and more of human endeavor toward fulfilling those hopes and dreams.